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UNIVERSITY OF ALBERTA

# A Communitarian Approach to Representation in the Northwest Territories

BY

Jennifer G. Arnott ©

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of the requirements for the degree of Master of Arts.

DEPARTMENT OF POLITICAL SCIENCE

Edmonton, Alberta
Fall 1992

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UNIVERSITY OF ALBERTA

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# ABSTRACT

This paper examines political representation in the Northwest Territories (NWT). Set within the context of the dominant assumptions of Anglo-American conventions concerning representation, this study reveals an alternative approach to and understanding of political representation. Representation in the NWT is found to place particular emphasis on the community.

This study first exposes the salient characteristics of the NWT that have led to the continuing evolution of its political institutions. Most importantly, the political culture and circumstances of the dominant Native groups are considered. This information is utilized to set the parameters of interview-based research with political elites in the NWT. The suggestion of community as a central value in the understanding and operation of representation is confirmed.

Representation in the NWT clearly defines the relationship between the represented and the representative. Within this relationship, it is the represented as a whole (the community) that is both the source and focus of power. The Native peoples' self-definition as a collectivity made up of individuals whose interests are inseparable from the community is the basis of this alternative approach to representation in the NWT. The definition of the representative as part of and controlled by the community is rooted in their communal understanding of themselves.

The findings of this study reveal an approach to representation which clearly serves to expand the narrowly liberal-democratic conventions of the Anglo-American tradition. An assessment of the NWT which considers the resident political culture and the current policy initiatives suggests a communitarian basis of representation. This approach to representing in the NWT is not only viable and appropriate for the region but it further offers a different theoretical perspective which may be valuable in the determination of the quality of representation elsewhere.

# ACKNOWLEDGEMENT

This study benefitted from the kind assistance of many individuals involved in the Government of the Northwest Territories. My special thanks to Alan Downe and Bernie Hughes for their understanding guidance and helpful suggestions. I also wish to acknowledge the Members and staff who arranged, despite hectic schedules, for lengthy interviews with me. Their willingness to contribute facilitated the pursuit and completion of this study.

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# INTRODUCTION

> Countries like the Soviet Union simmer with tension because they can't accommodate their ethnic people's national hopes. Solutions being sought in Canada's North might point the way.[1]
>
> The territories' unconventional electoral system may be worth a second glance by southern Canadians who are losing faith in their political institutions.[2]

Although infrequent and often easily overlooked, comments on the northern style of government have slowly emerged in the discourse of southern politicians and journalists. While this is largely because of the desperation generated by the current malaise of Canadian constitutional affairs in which any alternative seems worth considering, an awareness of northern politics is also the result of new strength in the position of the government of the Northwest Territories (GNWT). A task force on government structure and bureaucracy, created in one of the first acts of the government elected on October 15, 1991, reported that "it is readily apparent that the territorial government must break from re-building its government on southern models."[3] The report firmly concluded that "the GNWT no longer needs to adopt a follow-the-leader approach; it can be the leader"[4]. This determination and independent vision which has rapidly developed during the last decade, is pushing the structure and style of governance in the North in directions previously unexplored by the Anglo-American tradition. Consequently, the politics and political structures of the Northwest Territories (NWT) are indeed worth consideration and can potentially serve to enrich the currently 'southern' orientation of theoretical approaches to government.

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[1] Keith Watt, "NWT a model for the world?" The Globe and Mail, December 31, 1990, p. A7.

[2] Larry Johnsrude, "Voters in the Territories go to the polls", The Globe & Mail, October 15, 1991, p. A8.

[3] Gary Gee, "Sick Government needs an overhaul says report" News North Monday November 18, p. A1.

The political and constitutional issues in the Northwest Territories are both diverse and extremely complex. Considerations of division of the territory into two political jurisdictions, the devolution of authority from the Federal Government and the prospects for what many see as the chief priority of Native[5] self-government have, on the surface, segmented the society and obstructed the goals of the government. Upon closer examination, however, it would seem that the issues themselves, and the ways in which the Government of the NWT has approached them, are in fact particular to the unique circumstances of the region. Rather than investigate specific issues or problems in the governance of the NWT, a more fruitful exercise would seek to establish the common elements and thereby begin to produce a general understanding of politics in the region. At the very core of questions concerning the political and constitutional development in the NWT, is the concept of political representation. The isolation of this one concept, while perhaps limiting the scope, establishes a manageable research design and should yield substantial information about governing in the NWT.

---

[4] Gee, (News North, Nov.18), p. A1.

[5] The term 'Native' is intended to indicate not some shared or common culture, but rather descent from groups of people who entered North America long before the arrival of Europeans. This study uses the terms 'Native' and 'aboriginal' as equivalents.

The aim of this study is to examine political representation in the NWT within the context of the dominant Anglo-American understanding and institutionalization of representation. In a region of unique characteristics, there has also emerged a somewhat unique institution of government. It would seem that an understanding of the region contributes to an ultimate understanding of its politics. The purpose of this study is to expose the approach to representation in the NWT as an indication of an alternative political reality which serves to challenge the dominant assumptions of the Anglo-American tradition. In a world composed of governments striving to offer representation to diverse political groups and even nations, an exploration of a potentially alternative approach to the concept of representation is indeed valuable.

## CHAPTER ONE: *Representation as a Theoretical Concept*

The first chapter discusses and evaluates the concept of representation in the Anglo-American tradition. Most importantly, this section explains the components, characteristics and controversies of this concept. It is supplied both to introduce representation as an aspect of the governing process and to provide a point of reference for consideration of representation in the NWT. The dominant threads and themes of theoretical approaches to representation in the Anglo-American tradition are established through the provision of three models. A vocabulary specific to this field of study and an awareness of the complexity of the concept are provided along with a sketch of the general dimensions of political representation in Anglo-American discourse. This information will serve as a 'benchmark' for the substantive portion of this investigation and evaluation of political representation in the NWT.

## CHAPTER TWO: *Political Environment of the NWT*

The second chapter then outlines the necessary background information which makes the examination of the general concept of representation in a specific jurisdiction possible. This chapter provides an overview of the development and current form of the institutions of the NWT and the cultural traditions and practices of the people of the region. This information leads into a discussion of the current issues of political and constitutional development in the Northwest Territories. It becomes readily apparent that representation is a central idea which informs the determination of the approach taken in regards to these issues. Several factors emerge to indicate that this approach flows from the social environment of the region and therefore may be unique in comparison to conventional institutions of representation and their theoretical understandings. The purpose of this chapter is to clearly establish the context within which to consider political representation in the NWT. The information regarding the political environment serves to reveal some possibilities or hypotheses regarding this concept in the NWT.

## CHAPTER THREE: *Community as the Focus of Representation?*

The third chapter builds upon the foundation of the second recasting the suggestions of Chapter Two as hypotheses and then testing their validity. This chapter distils the dominant themes of the previous chapter that indicate the focus of representation to be the community. A series of hypotheses is developed and tested on three levels. First, responses to questions asked of Members of the Legislative Assembly and other prominent individuals in the NWT regarding representation and representative functions are reported. Second, recent changes and developments in the institutions of government are carefully considered for their relevance to the hypotheses posed. Third, all recent major policy decisions are analyzed and assessed as to their implications for the confirmation or negation of the hypotheses. Ultimately, representation as an aspect of the governing process is illuminated by the words and comments of the Members themselves and confirmed by changes taking place in the way in which the NWT is governed.

Chapter Three produces a clear model of representation in the NWT. This chapter states that in this region there is a clear and defined relationship between the represented and the representative. Within this relationship, it is the represented as a whole (the community), that is both the source and focus of power. The findings of this section further suggest that representation in the NWT is an activity in which an individual of a specific community, the representative, brings forward the interests of the community to a central and coordinative body, the Legislative Assembly.

## CHAPTER FOUR: *Expanding the Concept of Representation*

Finally, Chapter Four synthesizes the information of Chapter Two and the findings of Chapter Three in relation to the theoretical introduction provided in Chapter One. The purpose of this chapter is to explore the significance and relevance of the model of representation in the NWT. Through a comparative assessment with the models of Chapter One, representation in the NWT is shown to significantly differ from the Anglo-American convention. Further, this chapter suggests that the findings of this study have implications beyond representation. The final discussion then centres on indications about the understanding of the polity and the role of politics in the NWT. Whereas most North American institutions are premised on liberal-individualism, it is suggested that the institutions currently evolving in the North resemble the communitarian description of society. This chapter asserts the existence of substantial points of convergence between the political philosophy of traditional Native societies in the NWT and that of the post-modern development in political thought known as communitarianism.

Representation is an evolving aspect of the governing process. New realities require new arrangements or alignments if the legitimacy of the institution is to be maintained. While clearly the unique circumstances of the NWT are unlikely to be duplicated elsewhere, its peoples' approach to representation and their attempt to institutionalize an appropriate form of representative government in the region reveal an alternative and viable theoretical approach to representation.

Not unlike many regions and nations of the world, the leaders of the Northwest Territories must consider numerous cultural and ethnic minorities and language groups within an immense and diverse territory. The solutions being sought offer interesting possibilities and, at the very least, cause us to re-examine the operation and quality of representation elsewhere. The northern solutions include non-partisan and potentially non-democratic means of representing; ideas that clearly serve to enrich the current southern body of literature on the concept of representation.

# CHAPTER ONE - Representation as a Theoretical Concept

## Introduction

In order to provide a point of reference for an investigation of political representation in the Northwest Territories the dominant themes of this concept in the Anglo-American tradition must be identified. An understanding of the key issues of the conventional approaches to representation as an aspect of the governing process will organize and situate the specific study of the NWT within a coherent context. The complexity of representation also necessitates a theoretical introduction as a way to allocate sufficient meaning to the concept.

Representation is a term used widely and variously in modern society. In art, representation may imply likeness or symbolic reference; in law, a representative is an expert or counsellor; in the family, parents are considered to represent their young children. All of these usages are common, yet they clearly lead to clouded, even contradictory, notions of the activity of representing and the object of representation. Even within the discipline of political science there is a wide variety of meanings and interpretations of representation. If a discussion of representation in the Anglo-American tradition is to be meaningful, it must first organize the approaches into distinct and understandable, although abstract, categories.

To begin to sketch the concept of representation, some knowledge of the important qualities, such as dimension and composition, is required. An overview of the formal, descriptive and symbolic approaches to the concept provides much of this important information. Unfortunately, this treatment is incomplete as the crucial elements regarding the activity of representing and the role of the representative are not addressed. An indication of the dominant theoretical underpinnings of the actual institutionalization of representation in the Anglo-American tradition is revealed through consideration of three distinct models of representation. This section begins with Edmund Burke's traditionalist approach, then turns to the liberal, democratic thought of James Madison and concludes with John Stuart Mill's Utilitarian perspective. Three abstract models, with significant implications for the resultant approach to the activity of representing in modern society, emerge. Degrees and/or variations of each can readily be seen in all levels of government in the Anglo-American world. The extent to which one institution or government subscribes to any one model will be a significant determinant of the operation and understanding of representation in that jurisdiction.

Much of what can be learned of the concept of representation has been organized and skilfully analyzed by Hanna Pitkin in her seminal work entitled The Concept of Representation. It has been called "an indispensable guide to the question that ought to be asked whenever anyone says that a system is representative". Consequently, the conclusion and summation of this chapter carefully considers and is enlightened by Pitkin's contribution to the subject.

With the benefit of this knowledge and scholarship regarding the theoretical meaning of representation and the dominant perspectives in the Anglo-American tradition, a general picture of the evolution and dimensions of the concept is established. This serves as adequate preparation for the principal task at hand of investigating and evaluating political representation in the NWT.

## The Dimensions of Representation

### Formal Representation

Originating essentially in Thomas Hobbes' Leviathan is an approach to representation which "concentrates on the formalities"[6] of the relationship between the represented and the representative. Within this 'formalistic' approach there are two clearly defined variations: the authorization interpretation and the accountability view. While both are concerned with the formal relationship, they differ as to the time and place of focus.

Hobbes' explanation of the Leviathan as a representative exclusively considers the requirement of authorization.

> A commonwealth is said to be instituted when a multitude of men do agree ... that to whatsoever Man, or Assembly of Men, shall be given by the major part, the Right to Present the Person of them all, that is to say, to be their Representative... .[7]

---

[6] Hanna Pitkin, The Concept of Representation, (Berkeley; University of California Press, 1967), p. 38. Pitkin's categorization of approaches to and views of representation have become widely accepted and used in the discipline.

[7] Thomas Hobbes, Leviathan, ed. C.B. Macpherson, (Middlesex; Penguin, 1985), Part II, chap.XVIII, p. 228.

Hobbes considers a representative to be merely someone who has been authorized to act on the behalf of others. Building upon this original foundation, several other theorists have developed complementary perspectives of representation. Three related varieties- all of which accept this first axiom from Hobbes- can be identified. While the authorization aspect of representation is an important dimension of representation, it becomes apparent that the narrowness of this approach falls far short of explaining the concept of representation.

First, there are the 'organschaft' theorists who define the role of the representative as a specialized member or organ of the social group.[8] In other words, this theory postulates that within any group certain members acquire the authority to act on behalf of the whole. Although this approach is interesting in its conceptualization, it can unfortunately not account for the role differences between political representatives (those elected to serve in this capacity) and other government agents or individuals who perform duties or tasks on behalf of the society. An understanding of representation as a political concept is therefore not actually furthered by this approach.

A second variety of theorists subscribing to Hobbes' authorization explanation emerge from the democratic tradition. They see authorization as the requirement of representation and establish elections as the appropriate mechanism through which this is achieved. They introduce an important extension of the authority view: 'consent'. The consent of the society is the necessary indication that authorization has occurred. A complex debate has emerged in political theory which attempts to grapple with notions of consent, both express and tacit.[9] Essentially, it would seem that these are extremely difficult to establish in the modern context. Failing the application of consent, democratic theorists must rely entirely on elections; the winners of which rarely if indeed ever, can be said to represent a consensus of the population.

---

[8] A prominent example of the organschaft approach is Max Weber, The Theory of Social and Economic Organization, (Glencoe; Free Press, 1947).

A third variant is seen in the work of Eric Voegelin. He, too, accepts the Hobbesian notion of authorization, however, he goes on to apply another dimension. Voegelin sees the representative within a system containing certain necessary outward features, such as elections. More importantly, he portrays the representative as a "bearer of existential truth."[10] Voegelin imagines the representative to be of superior intellect and understanding, not dissimilar to Plato's 'philosopher king'. Indeed, it would be ideal if such individuals existed, and could be effectively identified and duly authorized by the society. It is however, highly unlikely.

While the three different views of the authorization theory offer an interesting discussion of representing, all fall short of providing an adequate definition as did Hobbes himself. According to this theory, people are represented when they have authorized an individual to act on their behalf. Although the three variants discussed above try to deal with some of the problems of the strictly Hobbesian notion, they do not offer any indication of what the activity of representing entails or the degrees of representativeness of a particular representative.

---

[9] Consent as a concept leading to regime legitimacy and consequently obligation is expressed by John Locke The Second Treatise of Government 1764 and later assessed by Joseph Tussman Obligation and the Body Politic, (New York; Oxford, 1960).

[10] Eric Voegelin, The New Science of Politics, (Chicago; University of Chicago Press, 1952).

Where the authorization theorists are concerned with the initiation of representation, the accountability theorists look in the opposite direction - toward the renewal or termination of representation. Accountability theorists see representation occurring when effective mechanisms through which the representative can be dismissed from his/her position are in place. As a result, the representative is forced to be held to account by the represented. As has already been seen, however, elections (the usual vehicle through which representatives are held to account) are not always a reliable or effective mechanism for constituents to voice concerns. An election campaign presents the voter with a wide range of factors and issues to consider. This complexity often serves to dilute the concerns of groups regarding specific issues. The opportunity for the voter to hold the government to account for past activities is further constrained by the necessity of weighing the perceived abilities of all candidates to handle the challenges and issues of the future. In cases where the pertinent issues have changed, or where the opposition seems incapable of dealing with emerging realities, voters have little choice but to select the incumbent, even if they disagree with some of the past policies or programs instituted by the government. In this way, the standard election process is less effective than conventionally assumed in actually enabling constituents to hold government to account. Further, as with the authorization view, this approach gives us no information about the activity of representing. To define representing as simply being authorized or being held to account at a specified time is to fail to address the substantive aspects of representation. Both of these theories neglect any consideration of the role or activities of the representative in office.[11]

While incomplete, the formalistic approach does provide important information, especially regarding the institutionalization of representation. That a body or individual has been authorized to act and that s/he can be held to account are central aspects of a representative regime. Still, other ideals of governance, such as the fostering of political consensus, the peaceful settlement of disputes, and the development of community, require much more than formal representation. The descriptive and symbolic dimensions of representation explore the potential and possibility of other such aspects of representing.

## Descriptive Representation

Descriptive theorists move in a direction decidedly different from that of the formalistic theorists. According to this approach, most recently argued by some proponents of proportional representation, representation occurs when an accurate correspondence to the societal composition is achieved. Resemblance to what is represented is the goal of representation for descriptive theorists.

This is a persuasive approach, as its wide subscription in today's society attests.

---

[11] This view is supported by Pitkin who writes; "... if representation is defined as action for which one will be held to account, and the represented as the one to whom the accounting must be given, nothing follows about any kind of duty, obligation, or role for the representative". Pitkin, p. 58.

Still, and quite clearly, there are problems. In their search for resemblance, descriptive theories ignore the activity of governing that is in the end the whole purpose behind representation. It leaves no room for creativity, leadership, and vision, as only likeness is desired. Although many may say that their representative should reflect them in terms of their attitudes and needs, few would advocate a representative who was average or typical. Further, it is not at all certain that accuracy necessarily equates to representativeness.

Even given these obvious problems, descriptive representation is an idea that informs many representative institutions and electoral systems. Increasingly, there are calls for more Members of Parliament who are women or members of ethnic groups in order to make the composition of House of Commons more like that of society. A recent proposal to guarantee twelve seats to the Native peoples of Canada also subscribes to this notion that representatives should reflect the represented.

Still, it is important to recognize that descriptive representation does not explain the concept of political representation, especially given the potential dangers of this approach to obscure, if not ignore the whole activity of governance. Essentially, descriptive representation must only be perceived as but an aspect, however significant, of political representation.

## Symbolic Representation

Symbolic theories of representation look not to the likeness of the representative but rather to the effect or feeling the representative instills in the represented. An individual is therefore represented when s/he *feels* represented. This theory relies on the creation of a belief, usually irrational, that stimulates a response. Much like the nationalistic pride or conviction that can be evoked with symbols such as flags or emblems. Representativeness, according to this theory, depends on the power of the representative as a symbol for the constituents.

The most important contribution of this theory is the element of representation that entails pleasing or fulfilling the represented. Similar to the descriptive theories, however, this type of theory cannot suffice to define representation. It seems apparent that a mere symbol or feeling cannot suffice to define or describe representation in modern society. Still, another important element of representation is revealed. While not an exclusive requirement, that the people feel represented has important implications for governance, such as the generation of cooperation and obedience which will contribute to the effectiveness of governing.

## The Outlines of Representation

At first consideration, it would seem that the end result of this discussion is a confusing and contradictory compilation of different approaches, none of which suffices to expose the concept of representation. Upon closer examination, however, it is apparent that all approaches provide a dimension of representation. From the formalistic view, we gain the notions of authorization and accountability- two essentially institutionalized requirements of representation. In contrast, the descriptive and symbolic theories provide information about the characteristics of representativeness. While none of these theories are individually adequate, they all contribute to a greater understanding of the concept. Although they may seem to contradict one another, their persuasiveness is actually, and ironically, strengthened when they are considered together. Where one theory fails, another fills in the missing element.

A general sketch of representation is therefore beginning to take shape. It must consider and balance the several elements revealed in the discussion of the various approaches. Thus, the important dimensions are determined; yet, the concept remains veiled. In order to fill in the contextual components of the concept models of the role of the representative and the entire activity of representing must be explored.

## Models of Representation

### Representation as Trusteeship: Burke

The political theory of Edmund Burke has received various yet justifiable labels, such as conservative, elitist, and undemocratic. His theory of representation *does* reflect these characteristics. He begins a general discussion of political order by writing that "the primacy of the rights of the people implies that political power is a trust which they confer upon Government for their own benefit."[12] This sets the tone for his general view that the representative is an individual of superior intellect and reason who represents broad categories of interests in the society.

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[12] Edmund Burke, The Political Reason of Edmund Burke, ed. Francis Canavan, (Durham; Duke University Press, 1960), p. 1137.

The role of the representative, according to Burke, is to deliberate and eventually decide as part of the collective assembly how best serve the interests of the whole society. In this model, the representative does not actually have a relationship with constituents as individuals, rather s/he represents the interest of the constituency as a collective. Further, as a result of his superior capacities, this interest is best deciphered by the representative for the represented. Indeed, Burke writes that in the event of a clash between the views of the constituents and the actions of the representative,

> his [the representative's] unbiased opinion, his mature judgement, his enlightened conscience, he ought not sacrifice to you [the constituents]; to any man, or to any set of men living. ...Your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion.[13]

Burke designs the object of representation to be interests and not individuals. The interests that Burke refers to are, therefore, unattached to persons, objective in character, and highly impersonal. An example of such an interest might be the fishing industry which may be shared by various villages. As an extension to this, Burke formulates the theory of virtual representation. He states that it is not important for every individual constituency to be actually represented. In the case of two villages whose prime industry is fishing, the actual representation of one, suffices to provide virtual representation of the other. Again, that neither individuals nor even individual communities, are the objects of representation is re-asserted.

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[13] Edmund Burke, "Speech to the Electors of Bristol", 3 Nov. 1774, The Works of Edmund Burke, vol.3, (London; Rivington Edition, 1827), p. 18-19.

The representative, once authorized, must be able to operate freely and independently of the constituency. Burke writes of the dangers of a representative becoming too involved or too popular in the constituency.

> When leaders choose to make themselves bidders at an auction of popularity, their talents, in the construction of the state, will be of no service. They will become flatterers instead of Legislators, the instruments, not the guides of the people. ...the popular leader is obliged to become active in propagating doctrines and establishing powers that will afterwards defeat any sober purpose at which he ultimately might have aimed. [14]

Burke clearly sees the common people as incapable of understanding the complexities of governance and therefore writes of the necessity of representatives to be elite members of society possessing superior capacities. Representation is thus not responsiveness to the wants of constituents or even adherence to their will. Rather, it is a devotion to a particular interest, and ultimately the national interest, of which they partake. Given that the representative has then no real relationship with his constituents, the Burkean conceptualization runs at cross-purposes to the democratic tradition. Indeed, it could be imagined that the interests of the nation, being few and unattached, could be represented by a very few representatives, even a single monarch. Burke, in that he is concerned with interests and not people, and in that he sees governing as rational deliberation and not simply following the will of the people, establishes a conceptualization of political representation that is inherently undemocratic.

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[14] Edmund Burke, Reflections on the Revolution in France, ed. Conor Cruise O'Brien, (London; Penguin, 1968).

Still, the writings of Burke persist and serve to provide the basis of an important model of representation. The 'trustee' notion of representation is therefore one in which representatives, once elected, are entrusted with the power to make decisions on behalf of their constituents.

## Representation to Dispel Conflict: Madison

James Madison, one of the authors of The Federalist Papers, concerning the Constitution of the United States, writes within the liberal-democratic tradition. He supports the notion of representation as a corner-stone of the desirable form of republican government. He dismisses the possibility of direct democracy and governance by the people as entirely impractical and not yielding to positive consequences. Instead, he asserts the virtues of representation, which he defines as a "substitute for an assembled people seeking its own good".[15]

While Madison, like Burke, states that representatives should be men of "wisdom and virtue", he points out another dimension which he views to be as important. He asserts the necessity of mechanisms which can ensure the representatives' virtue and dependence on the electorate.

> The means relied on in an elective government for

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[15] James Madison ,as cited by David Epstein in The Political Theory of The Federalist, (Chicago; University of Chicago Press, 1984), p. 148.

> preventing their degeneracy are numerous and various. The most effectual one, is the limitation of the term of appointment as will maintain a proper responsibility to the people.[16]

Madison further considers and supports the republican form of government for the security it provides to the maintenance and responsiveness of the representatives to the represented.

> If we consider the situation of the men on whom the free suffrages of their fellow citizens may confer the representative trust, we shall find it involving every security which can be devised or desired for their fidelity to their constituents.[17]

Madison, while in agreement with Burke on the desirable personal characteristics of the representatives, requires that the representative be held accountable to his/her constituents. Clearly, in the Madison description representation requires the representative to adhere and be responsive to the represented. The representative is in this way dependent on his/her constituents.

An even more consequential difference between the conception of representation between Burke and Madison is their treatment of interests in society. Whereas for Burke interests are unattached and objective, Madison sees them as subjective and necessarily attached to people. For Madison, interests are the feelings of men and are consequently multiple, fragmented, and changing. From this original position regarding interests

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[16] James Madison, "The Federalist #57", Hamilton et al.,The Federalist, (Washington; Robert Luce Inc., 1976), p.370-1.

[17] Madison, The Federalist,(#57), p. 371.

Madison formulates a very different model of representation.

Madison addresses the problem of the existence of various and conflicting elements or "factions"[18] in society. The danger for all citizens is the potential of one such faction gaining power at the expense of the liberty and protection of others. Representative government is held out to be the "cure" for this "sinister" situation of all societies. Representative government is said to "refine and enlarge the public views by passing them through the medium of a chosen body of representatives." [19] In this way, Madison perceives representatives to be acting as 'filters' for the factious and dangerous elements of society. In a large republic, such as the United States, Madison asserts the distinct advantage of the propensity of there being numerous minority groups, rather than a dominant majority.

The purpose of representation, according to Madison, is the negation of conflict. He sees the goal of governing to be the maintenance or balance of various factions. The good of the nation is promoted in the ability of the Legislature to act as an arena wherein the factions of the society are controlled. The end result of the activity of representative government is essentially stalemate or inaction. This view can be juxtaposed against that of Burke who perceives the role of the Legislative body as acting with superior wisdom, carefully discerning and then actively pursuing the national good. Madison, on the other hand, presumes Legislators to be merely representative of one of the various elements in society and therefore incapable of knowing the national good.

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[18] Madison defines 'factions' as a "number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community." The Federalist, #10, p. 54.

[19] Madison, The Federalist, #10, p. 59.

For Madison, the key to good governance is the provision of the right kind of institutions with a capacity to control the interests of society. Burke, to the contrary, saw little importance in the kind of institution so long as it was composed of the right kind of men, superior in intellect and reason. This stark divergence in the reasoning of these two theorists originates in their differing definitions of interests and their conceptions of the activity of representation. Whereas Burke sees broadly defined interests as the object of representation, Madison argues that representatives represent interests that are in contrast tied to people or groups.

### Representation by and for all: Mill

A third model of representation, more radical than those previously discussed, emerges out of Utilitarian thought. John Stuart Mill writes in violent opposition to the British tradition, exemplified by Burke, which asserts that good government could be ensured by placing absolute power in the hands of an eminent individual. Mill considers this a prescription for a mentally passive populace, exercising no will in respect of their collective interest given that everything is decided for them, regardless of their views or individual interests.[20] As the best, and perhaps only, alternative to this situation, Mill champions yet another version of representative government. He writes:

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[20] John Stuart Mill, Utilitarianism, Liberty, Representative Government, ed., H.B. Acton, (London; J.M.Dent Ltd.,1972), p. 203.

> There is little difficulty in showing that the ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community... .[21]

Mill perceives the goal of governance to be the promotion of the intelligence and virtue of all citizens. This task is best ensured in a representative form of government that encourages the involvement of all individuals in some capacity, at some time.

The ideal of a government that strives to involve all members of society is based on Mill's belief that if a system was to "let a person have nothing to do for his country" then the result would be that " he will not care for it".[22] Given that everyone is best able to discern their individual interest and are capable of public concern, Mill argues for the widest possible franchise[23] and, hence the, involvement of the greatest possible number of citizens in the governance of the nation.

With regard to what the office of the representative and his/her individual role should entail, Mill proposes a different understanding. In direct contrast to Burke, he writes that the representatives are not a selection of the greatest political minds in the nation, but rather are "a fair sample of every grade of intellect among the people which is at all entitled to a voice in public affairs".[24] The role of the representative is "to indicate wants, and to be an organ for popular demands..."[25]. The representative is also to serve as a check on the actions of public officials, limiting their powers within the sphere of all public interests. Only under such an institutional arrangement which strictly divides political and administrative powers, does Mill perceive the benefits of popular control combined with the requisites of skilled legislation and administration to be secured.

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[21] Mill, Utilitarianism ..., p. 207.

[22] Mill, Utilitarianism..., p. 204.

[23] Mill presented an argument to the British Parliament in 1867 recommending that women obtain voting rights (Acton, p.xxvii).

[24] Mill, Utilitarianism..., p.241.

Utilitarianism is based on the notion that interests are personal and subjective. As a result, Mill situates the representative as part of the community which s/he represents. Since "the community cannot have any interest opposite to its interests", all that is required is for "the interests of the representatives to be identified with those of the community".[26] Hence Mill's insistence on short terms of office and the allowance of the greatest possible number to be involved in governance and representing.

Critics of Mill have argued that his discussion of political representation is highly inconsistent with his other work and indeed the foundations of Utilitarianism itself. The leap from interests which are very much individual to the identification of an aggregate or collective interest of the community as a whole is unexplained. Further, he seems to ignore the reality, according to Utilitarianism, of the selfish nature of man. These are serious and consequential criticisms. However, their relevance for this discussion is limited. Regardless of Mill's adherence to Utilitarian doctrine, his discussion of representation provides another possible model for the definition and designation of representation.

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[25] Mill, Utilitarianism..., p. 241.

[26] Mill as cited by Pitkin, p. 201.

## Conclusion

Representation, or the appearance thereof, has become a vital aspect of governance in many nations around the world. It can be established that representation refers to the process through which the aggregate of interests of a society inform the decision-making system of the governing body. The variety of institutions and mechanisms which have been established to secure representation attest to the existence of different perceptions and approaches to the concept of representation. From the above generic definition of representation flows a huge variety of interpretations of its elemental aspects.

The preceding discussion reveals the necessity of surveying and balancing many ideas when considering representation. The first section points to the outward features of a representative regime. That the governing body has been authorized to act and that appropriate mechanisms by which it is held into account exist are important institutional requirements. Second, a degree of similarity between the composition of the representative body and the represented, as well as a sense in which the represented actually feel represented, contribute to representativeness. Both descriptive and symbolic aspects of representation help foster cooperation and identification with the representative regime.

These qualities or characteristics of representation do not, however, suffice to clearly define its operationalization in the Anglo-American tradition. A second layer of analysis must consider perspectives on the activity of representing and the behaviour of the representative. The three models provided illustrate three different assessments of the practical application of representation. Essentially, moving through the three models is a passage from representation of the nation or national interest to representation of group interests and, finally, to representation of individual interests. These three interpretations derive different conclusions because of a different understanding of interests and, hence, representation itself.

First, Burke determines representatives to be individuals of superior intellect who are entrusted to make decisions according to the national interest. Representation, for Burke, is of various broadly-defined interests. Second, while Madison also sees the importance of the representative possessing certain talents appropriate to the vocation, he highlights their function in resolving conflict. Representation, according to Madison, is of the various fragmented and conflictual interests in society. Third, Mill's representative is an average individual who through his/her personal connection with the community naturally knows the interest of the community. As the goal of representative government is to involve all citizens and their interests, representation for Mill is then by individuals of individual interests.

The three models reflect approaches and understandings of representation prevalent in most of today's liberal democracies. Different governments display different propensities to various components of the models. The Anglo-American tradition which can be seen in present-day Britain, United States and Canada would seem to be a combination of the Burkean and Madisonian models.

Clearly, leadership and election campaigns focus on the personal abilities of the individual or the leader of the group attempting to become elected. Expert or superior qualities are normally judged essential. The prevalent belief that election victories constitute a mandate for government action also flows from the Burkean model. Numerous leaders in recent Canadian political history, such as Peter Lougheed and Pierre Trudeau, have exhibited a tendency to subscribe to this trustee notion of representation in which their role is to make decisions on behalf of the represented.

Also dominant in the 'southern' Canadian political culture is the style of politics known as 'brokerage'. In that this is an attempt to broker and represent various interests in society, there are some clear parallels to the Madisonian model. A successful party is often one which has a sufficient number of individuals representing the sufficient number of interests.

Essentially, representation has come to mean either the selection of elites or the championing of particular interests or groups in society. The examination of the concept of political representation in a very different jurisdiction, that of Canada's Northwest Territories, may alter this finding, offering an alternative application for the models or indeed providing the basis for another distinct model of representation.

The three conventional models are provided as benchmarks for the following analysis of the concepts of representation evident in the Northwest Territories. This theoretical description is intended merely to familiarize the reader with the extent and dimension of the concept of representation as an aspect of governing. As has already been seen, within an abstract definition many varieties emerge in practical application. This theoretical orientation and the provision of the three models will serve to organize and direct findings regarding the concept in the Northwest Territories. This theoretical introduction, with the addition of the insight provided by Hanna Pitkin, should also serve to caution against absolute conclusions or definitions regarding representation in the Northwest Territories.

One of Hanna Pitkin's contributions to the field of political representation is her assertion that representation is an aspect of government which evolves and changes. Pitkin reveals that representation must not be defined by a single action by any one participant but rather it should be considered as the overall structure and functioning of the system - the consequence of relationships between the multiple activities of many people. As this study focuses exclusively on the role of the elected representatives in the Northwest Territories, some dimensions of the complete concept of representation in the Northwest Territories are not addressed. An exhaustive study would include an investigation of the attitudes and beliefs of the represented as well as the representatives. Such a study would be far beyond the constraints of this, or perhaps any, single work. This investigation can, however, serve as an important indication of the appropriate direction for the pursuit of a more complete understanding of representation in the Northwest Territories.

Pitkin also requires that representation be viewed as a process that is continuous and consistent. She adds that representation must accord a degree of responsiveness which is systematic and regular to the constituency. Again, as this study has inherent time limitations, the field research and information collected and reported in Chapter Three provide but a snapshot of the process. However, some attention to the historical development of the institution of government in the second chapter and a determination of some prospects and possible developments in the near future regarding representation in the fourth chapter, will hopefully combine to stretch the analysis beyond the short period assessed in Chapter Three.

Ultimately, Chapter One serves to establish necessary background information and points out that representation is not a static property of any government. As a culmination of Pitkin's account of the concept of representation, she determines representation to be an emergent property of the set of institutionalized arrangements available in a modern mass society for the collective process of democratic government[27]. She goes on to state that established institutions of representation will only succeed to the extent to which the beliefs, attitudes and intentions of those involved in the system contribute to the goal of representation. Other factors including economic and social dimensions may affect the operation of the system of representation regardless of its theoretical orientation. Representation, after all, is not the sole aspect of government or nationhood. It is an aspect of government which will change and evolve through time according to the style and composition of the society. As a result, Pitkin concludes that representation should be viewed as the challenge for all governing bodies. Representative institutions must always be open to question and capable of evolving towards the achievement of greater representation.

Bearing in mind the possibility of external factors affecting the development of representation and the inability of an assessment to project any guaranteed longevity onto the system, we can begin looking at representation in an actual setting. An indication of the qualities, followed by an outline of the activity of representation as exemplified by the three models, provides the context of the Anglo-American tradition with which to begin comparatively assessing the evolution, the current state, and the potential development of the concept of representation in the Northwest Territories.

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[27] Pitkin, p.240.

# **CHAPTER TWO** - Political Environment of the NWT

## Introduction

With roots as far back in history as the fur trade, the most northern regions of Canada became entangled in a victimizing cycle of dependence at the hands of southern interests. This dependence, combined with socially intrusive government programs, encouraged urbanization and the consequent abandonment of traditional lifestyle patterns. Programs of resource development and transportation projects furthered the process of social and economic disruption of northern people.

In response, a gradual program of self-determination by and for the original inhabitants of the northern regions has grown. Self-determination became the sole guiding force of the people, as well as the institutions, of the Northwest Territories in the decade of the 1980s. In the 1990s, this program has reached maturity. Northern peoples now have before them the opportunity to design and control institutions which will address their particular needs and interests.

The options being considered and the approaches already taken by the people of the North seem to challenge much of the conventional wisdom on political representation in the Anglo-American world. Within an extraordinarily immense territory, northerners face the challenge of designing institutions and a style of governance that sufficiently represent and deliver services to a multi-ethnic and diverse population. A brief overview of first, the institutions and then the people, their cultural traditions and practices, serves to set the context for considering the key issues of political and constitutional development in the Northwest Territories. Attitudes towards representation in the NWT form a central component of the evolution of these issues and the approach taken regarding them.

## Environment: Institutions

### Political and Constitutional Development

The original Northwest Territories contained the Yukon, Alberta, Saskatchewan, and the northern portions of Manitoba, Ontario, and Quebec, as well as the area currently referred to as the NWT. The Yukon Territory was established in 1898 and a separate council was appointed to govern it. In 1905, the provinces of Alberta and Saskatchewan were created, with the corresponding establishment of provincial governing institutions. Later, in 1912, the provinces of Manitoba, Ontario, and Quebec were given permission by the Crown to extend their borders northward to assume, more or less, their current forms. The left-over portion, the modern NWT, reverted back to colonial status, with control exercised exclusively from Ottawa. A council composed of a Commissioner and six appointed councillors, all of whom were federal government employees living in Ottawa, was established in 1921. This "absentee and unrepresentative rule"[28] oversaw the governance of the Northwest Territories until 1951. At this time, provisions for elected Members to sit on the Council and for sessions to be held in Yellowknife were made. Still, many residents, especially those in the eastern Arctic, were not part of the territorial franchise until 1966. Furthermore, the Commissioner continued to act like a "colonial governor from his Ottawa office backed up by a large colonial office- the Department of Indian and Northern Affairs."[29]

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[28] Michael Whittington, The North, (Toronto; University of Toronto Press, 1986), p. 65.

This situation finally began to change with the conclusion and recommendations of the Carrothers Commission in 1967. A first step was the permanent re-location of the territorial council in Yellowknife. Through the late sixties and seventies, the council grew in size and stature as the role of Commissioner declined. By 1975, the territorial council had become known as the Legislative Assembly, with a fully elected membership, and the role of the Commissioner now effectively shrank to something resembling that of a provincial lieutenant-governor.[30]

While the Carrothers Commission established many progressive changes to the operation of governance in the North, several obstacles to the development of a legitimate and responsive government remained. Most importantly, the federal government retained its ability to pursue resource development without substantial territorial involvement and further there was no evidence of a commitment to the recognition and guarantee of aboriginal rights. Thus, even with greater indigenous involvement in the Legislative Assembly of the Northwest Territories, the status and jurisdiction of the territorial government remained uncertain.

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[29] Whittington, The North, p. 69.

[30] In the opening address of the 12th Assembly, the Commissioner officially removed his chair from the floor of the Legislative Assembly.

Recent Trends

The dawn of the 1980s brought exciting, yet at times daunting, challenges. In the abstract, Members of the territorial government began describing the role of the Legislative Assembly as involving "the responsibility for recommending constitutional change to the Parliament of Canada so that the people [of the territories] have an opportunity to develop their forms of government in ways that meet the unique challenges of the North".[31] In more concrete terms, it is clear that the territories entered the 1980s with the words of the then Prime Minister firmly informing the direction of their political evolution. Trudeau recognized the "legitimate aspirations and desire of all residents of the territories to take charge of their own affairs".[32] In 1979, the territorial Assembly stated that it was anxious to see its contribution to Canada fully recognized through participation in executive national decision-making.[33] The necessarily prior project and clearly stated objective at the dawn of the 1980s was for self-determination for the inhabitants of Canada's North.

The program aimed at achieving self-determination rapidly grew in complexity. The diverse and scattered population of the Northwest Territories, combined with economic and social hardships in most communities, created an environment in which the conventional notion of progress in a linear direction was all but impossible. Instead, progress was achieved in an erratic pattern as small gains or advancements in various and unrelated areas. The resources required to maintain even the most basic standard of living made dependence on the federal government essential. Still, the Legislative Assembly perceived its potential for development towards a unique and responsive regime. A document released by the Territorial Government in 1981 establishes its perceived comprehensive mandate.

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[31] Government of the Northwest Territories, "A sessional paper: Political and Constitutional Development in the N.W.T." (prepared for the eighth session of the Tenth Legislative Assembly, June 1986), p. i.

[32] As cited by Government of the Northwest Territories, "Position of the Legislative Assembly on Constitutional Development", (1979), p. 9.

[33] Ibid., p. 10.

> The primary goal of the Government of the Northwest Territories is the development of responsive government that meets the needs and aspirations of the residents of the North; recognizes the traditions, forms and style of government of Native peoples; and that promotes a greater measure of local autonomy in the development of policy and the delivery of government programs and services.[34]

This three-tier program is indeed a comprehensive mandate. While Assemblies throughout the eighties faltered and stumbled along the path towards the achievement of these goals- the persistence and commitment of pursuit have been unwavering. The current Assembly, elected in October 1991, has moved quickly to implement programs aimed at speeding progress to these same goals. The priority of developing an institution which reflects native political culture and the establishment of local autonomy and control over local issues are the strongest guiding principles of political development in the Northwest Territories in the 1990s.

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[34] Ministry of Aboriginal Rights and Constitutional Development, Government of the Northwest Territories, Our Land, Our Future, October 19, 1981, p. 2

A significant development, without which the government of the Northwest Territories could never have hoped to achieve legitimacy in the eyes of many of its residents, occurred at the dawn of the 1980s. The Dene and Métis Associations decided to end their initial opposition and began participating in the territorial institutions of government. Since the active involvement of Native peoples[35] in the politics of the NWT, there has been a general perception that the institution has shown "a strong commitment to aboriginal rights and the development of government forms accommodating aboriginal needs."[36] Indeed, the Native Council of Canada voiced support for the institution of government in the Northwest Territories. In a document concerning Native self-government, it defines Native self-government as an institution clearly separate from the public institutions of government in Canada, with one exception. While the report perceives the necessity of establishing Native governments in most parts of Canada, it acknowledges that in the NWT, this may, to a large extent, already exist. The Native Council discovered that the NWT was "the only government to mention the difference aboriginal values will make in both the process and structure of government."[37] Accordingly, the report supports some of the features and the possibility for development of government structures reflective of aboriginal political culture in the GNWT.

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[35] While the Inuit had been previously involved in the Legislative Assembly, their participation up until this time was passive and seemingly not influential.

[36] Peter Jull, Self-Government for Northern Peoples: Canada and the Circumpolar Story, (Yellowknife; Aboriginal Rights and Constitutional Development Secretariat, 1985), p. 5.

> The function of consensus in the decision-making process, and the relationship of the elected officers to their community, are already being felt in terms of developing a specifically aboriginal point of view from within government. The application of aboriginal values to the governing process may well generate entirely different governing structures.[38]

The willingness of Native peoples to contribute to the government centred in Yellowknife set the stage for the development of a political arrangement unlike anything previously attempted on the North American continent. Native peoples find themselves in a position different than that of almost all other Native peoples. They are in a position to play a critical role in the development and institutionalization of public government in the NWT.

Changes in the institution, especially with respect to Native participation and increased indigenous control, are clearly important and positive developments in the attainment of responsive and legitimate government in the eyes of northern residents. Native communities, however, are far from accepting the current institution of the Territorial government as the ultimate and final form of governance and representation over their communities. Participation in the Assembly should not be perceived as an acceptance of the structure but rather as a willingness to be part of a process of change and development. The Assembly of the Dene Nation in 1989 concluded that the Northwest Territorial government was merely a "transitional body" [39] and that Dene participation did not preclude aboriginal self-government. The Inuit also have stated that the Legislative Assembly does not adequately represent their interests nor serve their needs.[40] These findings have led academics, such as Gurston Dacks, to conclude that the territorial government is neither inevitable nor legitimate to the Native peoples and further that this alienation has fuelled the drive towards alternate institutional arrangements, such as self-government and division.[41] Undoubtedly, these issues will remain paramount to Native communities and the challenge for constitutional development in the Northwest Territories is to arrive at some institutionalization, be it an improved Legislative Assembly or an entirely different administrative arrangement which may include elements of self-government and division as part of an overall process of increased local autonomy, which addresses and provides meaningful representation to the Native communities.

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[37] Martin Dunn, Access to Survival: A perspective on Aboriginal Self-Government for the Constituency of the Native Council of Canada, (Kingston; Institute of Intergovernmental Relations, 1986), p. 33.

[38] Dunn, p.33-4.

As Dacks concludes, it is critical that such development occur; for "until major groups in society communicate effectively with government and feel confident of its responsiveness to them, its legitimacy is in doubt".[42] The legitimacy of the institution rests on development aimed at securing a style of representation appropriate and accepted by all residents of the NWT. Owing to their political majority and historical and cultural significance in the region, Native groups must be considered in the development of an adequate process of political representation.

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[39] News North, July 31, 1989, p. 9.

[40] Canadian Arctic Resources Committee, Aboriginal Self-Government and Constitutional Reform, (Ottawa; Canadian Arctic Resources Committee, 1988), p. 7.

[41] Gurston Dacks, "Political and Constitutional Development in the Yukon and Northwest Territories; the influence of devolution", The Northern Review, No. 5, Summer 1990, pp. 109-110.

The institution of government in the Northwest Territories has gradually evolved towards a twenty-four member council that (as of November 21, 1991) selects its leader following public debate. Cabinet portfolios are also decided upon by the Assembly collectively. Importantly, the necessity of remaining non-partisan has been re-affirmed in recent elections. The strongest advocates of non-partisan government are the Native Members of the Legislative Assembly. Party politics and the ensuing practice of party discipline are widely perceived to dilute the special interests of Native communities and other specifically northern interests. As one Member stated;

> Businessmen, party hacks or long term party loyalists, that is who shapes the policy of parties. Then what they do is try to sell the country on their policy. They do not take. In the NWT, there is a difference. In the NWT, we take from our communities what we are told and try to shape that into policy for our people. Party politics formulates policy and then tries to sell it to the people. That is the essential

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[42] Dacks, The Northern Review, p. 105.

difference.[43]

Whereas the policy process is largely removed from the people in partisan systems, it rests on citizen involvement in the non-partisan system of the Northwest Territories.

While the relevance of party politics for the NWT is still discussed in academic circles, it would seem that the notion of non-partisan government is now secure in the Northwest Territories. The general perception of Members, and especially Native northerners, is that party politics is a foreign, unnecessary and, most importantly, inappropriate style of government for the NWT. Many point to the situation in the Yukon, where party politics was entrenched by the non-Native majority of the region, to support their claim. The reality of the Yukon Territorial Legislature is that the maintenance of a stable majority government, given that there are only sixteen seats in the entire House, is extraordinarily difficult. The current government, while a majority, has only two non-Cabinet Members and substantially over-burdens the Cabinet Members with as many as four diverse portfolios. The product of party politics in the Yukon would seem to be an evident potential for the compromise of the delivery of services and appropriate decision-making, given that the Government is spread so thinly over so many areas.

Still, if non-partisan government is to be accepted as appropriate for the small northern legislatures, the implications for the values of accountability and responsible government must be considered. The Anglo-American tradition is such that these central characteristics of good government cannot be achieved without party politics. Political scientists in this tradition are trained to look at the output side of the system for accountability, specifically the opportunity for the electorate to pass judgement at the ballot box. As a result, many political scientists feel they need not look beyond the fact of this missing element before condemning the GNWT as illegitimate and not responsible.

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[43] Hon. Gordon Wray, NWT Legislative Assembly Hansard, Ninth Session, Volume Five, (March 12, 1987), p. 1944.

These political scientists err, however, in trying to assess a non-partisan system with a type of analysis developed and designed for a partisan system. Rather than reject the possibility of adequate representation, it should be noted that the requirement for representation leading to responsible government is in fact quite different and perhaps even increased in a non-partisan system. Non-partisan government forces the analysis from the output to the other side, the input to the system. As the system differs, so must the instrument of measurement appropriately adjust to different circumstances.

Indeed, the kind of 'output' or ballot-box accountability that is expected in the Anglo-American tradition does not and cannot exist in the current structure of the GNWT. There is, however, a variant of accountability, 'input' accountability, that would seem ultimately to perform the functions of representative and responsible government. 'Input' accountability can only be understood within the context of the political environment of the NWT. Aspects of the NWT, especially its Native political majority, make this type of accountability appropriate for the region. Input accountability places far greater stress on the ability of individual constituents and groups to affect change. As the following section of this Chapter will explore, the Native political culture emphasizes the involvement and participation of all of its Members. Decisions made by a governing institution which is extensively influenced and directed by the constituents, are then naturally reflective of the views and concerns of the governed. In this type of model, 'output' accountability is irrelevant. For representation, and ultimately responsible government, the minimal requirements in a non-partisan system are then a high degree of responsiveness to the individual constituents and substantial local autonomy.

Accountability in the NWT is not the structured sense of corporate accountability it is in most southern partisan institutions. Rather, it is a more complex type of accountability that informs the entire structure and functioning of the government. It would seem to be a composite accountability which affects all individuals involved and levels of governing. By shifting the analysis from the output to the input of the system in the NWT, it is clear that while a very different form, accountability does indeed exist in the GNWT.

While this approach, altering the method of analysis, is admittedly untested, adherence to the different conditions and structures of the NWT demand an openness of approach and consideration. Before condemning the system, adequate acknowledgement of the political culture of its constituents must be given. Only in this way can the Legislative Assembly be fairly considered and appropriately judged.

The North is an ever-changing and challenged region of Canada. The key issues before the administrators and leaders of the Northwest Territories are correspondingly complex. The political and constitutional development initiatives and issues form an array of different strands interwoven in a complex tapestry. In order to understand the development and significance of each of these issues, dealt with later in this chapter, it is important to gain a sense of the political culture and conditions of the people involved. The unique composition and particular dimension of these issues are rooted in the conditions and character specific to the Northwest Territories.

## Environment: People

### Culture, Ethnicity and Diversity

Far removed from the concentration of Canadians huddling along the United States border, the sparse communities of the Northwest Territories scatter across a vast and barren landscape. In an area roughly one-third of Canada's entire land mass, 55,000 people[44] inhabit the more than sixty-two diverse communities of Canada's most northern jurisdiction. Geography and distance are not, however, the only factors which distinguish these communities. Ethnicity and culture in the NWT are as variable as the landscape. While many southern Canadians and other individuals of European heritage have migrated to the area in recent decades, the majority population remains aboriginal. Even so, within this aboriginal majority several distinct cultural groupings exist to make it far from a monolithic or homogeneous block. Geographically, economically, and indeed also in socio-political terms, the Northwest Territories is a challenging landscape.

Within the harsh reality of difficult economic and environmental conditions, the goal of governance in the Northwest Territories must be to provide adequate representation for all of its diverse interests. In order to explore the possibility and potential of such developments, the components, most importantly the people of the Northwest Territories, must be understood. A brief exposition reveals alternative perceptions, many of which inform the concept of representation and help set the context of current issues facing the NWT.

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[44] This figure according to the report of Statistics Canada, 1991. As reported in Nunatsiaq News, Jan. 10, 1992, p.11.

The political culture of the Northwest Territories is particularly complex, owing to the fact that not only is the society composed of many different groups but these groups have developed approaches to organization which have become entrenched over many centuries. As Whittington points out, different Native political cultures had grown and developed long before even the creation of the Anglo-American style of societal organization and governance, and certainly before any contact occurred with Europeans. He writes:

> Southern Canadians often mistakenly assume that Natives of the NWT have no indigenous political culture, that until the coming of whites, the Dene and the Inuit lacked mechanisms for maintaining order and resolving intragroup conflict. However, the fact is that northern people have governed themselves in an orderly fashion since their arrival on this continent centuries before the first European explorers.[45].

An assessment of political development in the Northwest Territories must therefore not only consider the institutionalization of government as discussed in the previous section, but also the Native political cultures which existed before and continue to evolve and influence the institution of government in the NWT.

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[45] Whittington, The North, p.65.

The majority Native population of the NWT is dominated in composition by the Dene and Métis in the West and the Inuit in the East. All of these groups possess cultures in which the practices of decision-making and leadership selection are fundamentally different from the practice of the dominant cultures of southern Canada. These traditions currently underlie the insistence on a non-partisan system which is based on the principle of consensus for the Legislative Assembly of the Northwest Territories.

While it is debatable to what extent actual consensus politics exists in the Legislative Assembly, it has nevertheless become an important aspect of institutionalized government in the NWT. Consensus as a method of decision-making emerges from a conceptualization that is fundamental to all aboriginal communities in the NWT. They express a strong belief in the collective as the most basic social unit. An assessment by Gurston Dacks reveals the critical nature of this realization for the representation of aboriginal peoples. He writes: "accommodating aboriginal peoples means accommodating aboriginal collectivities"[46]. The collectivity, in most aboriginal communities, is an entity in which all individuals contribute and share. The welfare of the community overrides that of any individual concerns. Dacks goes on to explain that:

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[46] Gurston Dacks, "The Devolution of Authority from the Government of Canada to the Governments of Canada's Northern Territories: Issues of Self-Determination", presented to the Nordic Association for Canadian Studies, Oslo, Norway, 1990, p. 3.

> aboriginal people traditionally see themselves as social collectivities... . Their relationship to their aboriginal roots remains rich and vital; it is usually a fundamental source of their identity... .[47]

While different groups have developed various traditions regarding organization, the community consistently forms the foundation of any arrangement and serves to provide direction in all decision-making.

The Dene

In the particular culture of the Dene people, the community informs most political and social developments. The politics of the Dene culture are characterized by "a collective understanding reached by applying profoundly accepted, shared values to an issue."[48] An interesting extension of community as the central value is the process through which leadership emerges. A leader was traditionally derived not through election or appointment; rather, they "were chosen insofar as the other family members looked to them for leadership".[49] Central to the Dene conception of leadership is the notion that a leader is meant to guide, not to have power over, the people. A leader is one who has the potential to serve and best further the welfare of the community.

In a publication of the Western Constitutional Forum, the traditions of Dene culture are cited as the values which all Dene must re-assert for their own survival and welfare. Elders state that in the past, "the equal worth of all members of the community was respected, and safe guarding the health and well-being of the people was a collective responsibility."[50] Moreover, in the political culture of the Dene:

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[47] Ibid., p. 3.

[48] Gurston Dacks, "Politics on the Last Frontier: Consociationalism in the Northwest Territories", Canadian Journal of Political Science Volume XIX, (June, 1986), p. 349.

[49] Lesley Malloch, Dene Government Past and Future, (Yellowknife; The Dene Nation, 1984), p. 13.

> it was not valued that individuals should accumulate material wealth or seek to rise above others in status or social position. Instead, individuals took pride in developing skills and competence that enabled them to better contribute to the well-being of their community.[51]

The move to self-determination by the Dene people is fuelled by a belief in these values. They feel that the socio-economic problems of their people will diminish only if they re-gain control. By resuscitating the community, slowly the people that make up its various components will also begin to grow and flourish. According to elders, the cycle of Dene dependence on the territorial and federal governments must be broken, and a climate of self-reliance and interdependence must be restored.[52] Once autonomy is secured, the Dene Nation will begin again as an interdependent and therefore self-sufficient community. This process is fundamentally aimed at restoring the community as the central social value.

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[50] Malloch, p. 11.

[51] Malloch, p. 11.

[52] Malloch, p.31.

The Inuit

The Inuit culture also has a tradition of using a consensus style of decision-making. Often small in size, more like extended family groupings, communities of Inuit were highly internally interdependent. Mere survival depended on sharing, cooperation, and the role fulfilment of all of its members. For instance, the "women's skill in preparing warm winter clothing was as essential to the group's survival as the men's ability to bring in food."[53] Communities changed size and composition according to functional needs. Clearly, it was, and probably still is, the case that an individual, or even an individual family, could not sustain life on the tundra alone. Survival therefore necessitates the protection and care of the community by all individuals.

An important aspect of the community in this tradition is assigning each component a vital and necessary role. Much as the body relies on the good health of all of its parts in order to function properly, the community also needs all of its members. Within this context, leadership emerges as a concept which differs greatly from that of the Anglo-American tradition now seen in most southern jurisdictions. In Inuit society, leadership:

> ... in secular matters was vested in an "isrumatiak", a senior male member of the group. The isrumatiak led only by the consent of the collectivity and its respect for his judgement and any leadership decisions made tended to be couched in terms of suggestion

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[53] Alan D. McMillan, Native Peoples and Cultures of Canada, (Toronto; Douglas & McIntyre, 1988), p. 255.

> rather than edict.[54]

Again, even the leader is highly dependent on the community. He does not rule. Rather, he fulfils a function no more or less essential than that performed by other individuals in the community.

Within the context of this perception of community, very different from the individualistic orientation of society in the south, distinctive approaches to organization emerge. Indeed, the processes of formal debate, of voting, of majority rule, would be alien to a society which perceived existence only in terms of the collective whole. As anthropologist Frank Vallee has documented, the consensus style of decision-making naturally evolved from the pre-eminence of the community. In describing the process, he writes: "... it might take a long time to achieve consensus on particular issues but that time would be so invested and what we would regard as highly developed human relations skills brought into play to achieve consensus."[55]

These most basic elements of Native society point to the inappropriateness of many political norms and models practised in the South for the dominant aboriginal population of the North. Politics in non-Native societies essentially means the rendering of decisions. Native societies accept this function but also see politics as a mechanism through which cohesion within their constituency or community is fostered and maintained. Flowing from this distinction, different approaches to the institutionalization of government emerge. Whereas Native systems of government are based on consensus and unanimous support, non-Native systems, composed of political parties, have grown out of a competition for power[56] and a majoritarian principle of acceptance. Whereas leaders of non-Native systems normally assume a position of pre-eminence and at least some autonomous power, Native leaders remain but a part of the community and perform a function for the community not unlike that fulfilled by other members in various capacities.

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[54] J.H. Swalm, "Baffin Island Inuit", unpublished, (Iqaluit, 1984), p. 4.

[55] Frank G. Vallee, "The Emerging Northern Mosaic", Canadian Society: Pluralism, Change and Conflict, ed. Richard Ossenberg, (Scarborough; Prentice-Hall, 1971), p. 159.

The Native political cultures of the NWT therefore contain significant implications for the process of political representation. Both the activity of representing and the role of the representative are constrained by these political cultures. The community as the basic social unit leads to a decision-making process in which all members must be involved. The welfare of the community relies on the health of all its members and therefore a decision taken must be approved by all. The representative is a member, not superior or dominant, of the community. His/her ultimate role is to contribute to the well-being of the community as a whole. Responsiveness, a key component in the establishment of legitimate and responsible government, requires acknowledgement of these values in the practice of representing in the NWT.

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[56] This standard definition of party origin is from Frederick Englemann, Mildred Schwartz, Political Parties and the Canadian Social Structure, (Scarborough; Prentice-Hall, 1970), p. 3.

## Current Issues

With the political environment, both in terms of institutions and people, now established, the analysis can shift to consider the emergent political issues of the Northwest Territories. As previously indicated, the issues currently dominating the political agenda of the Northwest Territories can be likened to a complex tapestry- each issue separate yet intricately interwoven with the others. The most dominant strands of the tapestry are first, the program of devolution from the federal government to the territorial government and potentially further to the community level, second, the drive for the creation of Nunavut in the eastern Arctic and the consequent need to develop constitutional arrangements for both new territories to serve the majority Inuit population in the East and accommodate the several Native and non-Native groups in the West, and third the settlement of land claim agreements with aboriginal peoples potentially leading to the creation of separate self-governed jurisdictions within the territory.

Each of these issues alone could produce, and indeed have produced, extensive studies in their own right. The aim of this assessment is not to understand the entirety of any of the issues for that is clearly beyond the dimensions of this study. Rather, the goal is to outline each issue as it pertains to the evolving conceptualizations of representation. Each has interesting implications in the form both of directives and indications of the varying concepts of political representation in the NWT.

Owing to the breadth of each of these issues, they will be considered in turn. Still, it is important to keep in mind the degree of their interconnectedness. Even though each is presented separately, the proceeding analysis will necessarily blur any sharp divisions. As stated in the most recent report on political and constitutional development in the NWT:

> The very particular challenge to the people of the NWT as they address questions relating to land claims, division, extinguishment, devolution, self-government and our future in Canada, is to assess each question in the larger context. A comprehensive and integrated- as opposed to a piecemeal- approach must be taken if we are to experience progress.[57]

As it has been acknowledged that the solutions to the issues must come from an integrated assessment, so must the examination proceed to consider the dominant issues in concert with one another.

## Devolution

The program of devolution is not new to Canadian political experience. The process now under way in Canada's northern regions may represent one of the last in a long series of programs aimed to pull a Canadian jurisdiction out from the grasp of colonial control. Devolution has progressed with remarkable speed, yet also with conflicting and confusing outcomes, over the last decade in the NWT.

The term devolution refers to the process by which powers are transferred from a senior government to a junior government. However, as revealed in a recent comprehensive publication concerning devolution in the North[58], it is in fact significantly more complex than this simplistic definition indicates. Devolution can actually involve many activities pursued, for a variety of reasons, producing many different ends. Most concisely, it "combines a spatial with an institutional dimension" and has become "a program for northern residents, straining against absentee or remote political control".[59] In other words, powers and responsibilities have been devolved from the federal government to the territorial government as a means to both increase the degree of more direct control over programs and the delivery of services and as a mechanism to enhance responsible government in the Northwest Territories.

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[57] GNWT, "A Position Paper on Political and Constitutional Development", (Yellowknife; Executive Council, GNWT, February 25, 1991), p. 7.

While these aspects of devolution appear to be promoting the progressive and appropriate constitutional development of the NWT, there are possible negative implications, as well. The GNWT, as a constitutionally dependent body, is currently in the process of evolving towards a greater responsiveness to its people. There have been several indications of this in the recent past. Most importantly, the fact that the government has retained its non-partisan character and its consensus process of decision-making indicates that the institution strives towards different and clearly better means of representing especially the aboriginal collectivities of the NWT. Devolution may unsuspectingly halt this project aimed at securing an appropriate institutional arrangement in the NWT. As Dacks cautions: "devolution has reduced the odds of this type of development by enabling the GNWT to seek and to acquire powers without having to confront the issue of how it represents the collective interests within its society"[60]. As the Federal government devolves various responsibilities to the territorial government, the GNWT grows in pre-eminence despite a lack of agreement regarding the constitutional development of the Legislative Assembly. Without the adequate consultation and involvement of aboriginal groups and other territorial interests, a de facto constitutional development has occurred as a result of the process of devolution.

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[58] Gurston Dacks, ed., Devolution and Constitutional Development in the Canadian North, (Ottawa; Carleton University Press, 1990).

[59] Peter Clancy, "Politics by Remote Control: Historical Perspectives on Devolution in Canada's North" in Dacks, ed., Devolution ..., pp. 14-15.

Native groups have recognized the potential, and indeed even the fact, of this type of result from devolution. Most groups have regarded the process with a great deal of suspicion. As one report cites: "Native political groups consider devolution as an insidious step-by-step process which could lead a united NWT into provincehood at the expense of Inuit and Dene aboriginal rights.[61] Recently, however, these fears have subsided, owing to a newly found confidence within aboriginal groups. The very real prospect of division for the Inuit and a commitment to further devolution to the community level by the territorial government, along with the active pursuit of land claims for other Native groups, reduces the perceived threat of the territorial government growing in power at the expense of territorial inhabitants.

The current Assembly of the NWT is attempting to promote widespread participation and involvement in political and constitutional development, despite devolution from the federal government, by stating their commitment to further devolve powers to the community and regional levels of government. As MLA John Todd has stated, the new government has realized that "the time has come to put control of government programs in the hands of regional and local decision-makers"[62]. Such moves, combined with the government's recognition of the need for "genuine public consultation" in all decision-making, can be seen as attempts to buffer the harmful effects of devolution alone increasing the power of the Legislative Assembly.

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[60] Dacks, Devolution ..., p. 350.

[61] Jim Bell, "Nunavut: the quiet revolution", Arctic Circle, January/February 1992, p. 15.

The issue itself, as well as responses to devolution, have many interesting implications for an understanding of political representation operating in the NWT. Devolution in the first place pertains to representation, as it allows for less interference from the federal government, leading to greater direct involvement and control by territorial leaders. Before devolution, the remoteness of Ottawa certainly alienated northern residents and left them feeling unrepresented. Now, in the midst of devolution, as the Territorial government gains strength, some groups and individuals are again experiencing alienation, this time from Yellowknife. The assertion of the goal of local autonomy indicates that, for many, representation in the Territories means direct involvement and control. The pursuit of devolution for these aims cements an understanding of representation that requires the representative to be closely tied to and reflective of the immediate community. The territorial government would seem to be responding to a general sentiment among the territorial population through their directive of devolution to more junior governments in the NWT.

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[62] News North, Monday October 21, 1991 p. A1.

## Division

As mentioned, part of the response against the central power in Yellowknife has been a call to re-define the political jurisdiction. The Inuit have made persistent efforts to gain greater control of their own affairs. Inuit leaders have lobbied the Federal Government to constitutionally divide the Northwest Territories at the same time as they settle the long-standing Inuit land claim to Canada's Eastern Arctic. In effect, the Inuit are asking for "Nunavut", an Inuit word meaning homeland. Nunavut is to be a place wherein Inuit people would hold the balance of power within their traditional territory, the Eastern Arctic.

A workshop held in 1984 aimed at clarifying goals and procedures stated the reason behind the drive for Nunavut. The report of the workshop stated that self-determination for the inhabitants of the Eastern Arctic could only be achieved through the greater direct control offered by the establishment of Nunavut. The most important directive expressed was that "the Nunavut government would answer to no-one"[63]. Direct Inuit control over decision making and policy setting processes are the clear incentives to the establishment of Nunavut.

Division is an extraordinarily complex issue, as it involves many peoples as well as governments. Further, it has been part of a process that also involves the settlement of a land claim corresponding to the establishment of a new political jurisdiction. For Inuit Tapirisat (ITC),the national umbrella for Inuit organizations, and the Tungavik Federation of Nunavut(TFN), the team involved in land claims negotiations- the "creation of a government of Nunavut and the settlement of land claims within Nunavut constitute different aspects of the same process".[64] This single process has been attempted, discussed, and argued for over a decade and still it is not yet completed. As the road to Nunavut has been difficult up to this stage, it would seem that many obstacles still remain.

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[63] Dennis Patterson, "Nunavut Constitutional Forum Workshop with Regional Councils", Cambridge Bay, NWT, September 9, 1984, Minutes, p. 10.

The Inuit do, however, have some reasons for optimism. In late 1991, the Federal Government signed an agreement with Inuit leaders which includes provision for division and a Nunavut government. Also, although fervently contested by the Dene, the proposed boundary was accepted by a majority of the residents of the NWT in the Territory-wide plebiscite on May 4, 1992. Still, even with these victories behind them, the Inuit must overcome two remaining obstacles before Nunavut can be guaranteed. First, a majority of Inuit must agree to accept the terms of the land claim including extinguishment of their aboriginal title. Second, the federal government must be convinced that funding the establishment of a new government and its institutions is in the national interest of Canada.

Nunavut has received mixed reactions, especially in the Western Arctic. Among those who support division, some Dene and Métis leaders perceive it as an opportunity to move forward on the establishment of a unique institutional arrangement in the West, one in which various components would be accommodated through increased local autonomy. Others, however, are very sceptical of the practicality of building another government in a Territory of only 55,000 people. Government leader Nellie Cournoyea estimates that it would cost $650 million to set up the government and another $160 million annually to operate a government in Nunavut. As a result, she states that "we don't have the financial capability to support a Nunavut government"[65]. Further, some Native leaders like Bill Erasmus, remain in firm opposition to the deal, as he believes "the boundary arbitrarily cuts off the Dene from their lands without Dene consent"[66]. These factors may combine to impede the attainment of Nunavut in its proposed form.

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[64] Arctic Circle, January/February 1992, p. 16.

The road to Nunavut remains long and hard. The fact of the journey itself, however, exposes an aspect of political representation in the NWT. Nunavut is to be a public government, but one dominated in style and composition by the Inuit. If secured, Nunavut would guarantee the Inuit long-term control over their lives. Although details about the shape and style of government in the Eastern Arctic cannot be predicted, the general pattern can be estimated on the basis of the findings of Chapter Three. Undoubtedly, leadership will be found amongst the Inuit collective and not imposed by southern or even western Arctic politicians if the dream of Nunavut becomes a reality.

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[65] As quoted in Canadian Broadcasting Corporation News- special segment produced by Ken McGreath, February 18, 1992.

[66] "Dene Nation Opposes the Boundary Line", The Press Independent, May 1, 1992, p. 2.

## Land Claims

Other Native groups are also involved in land claim negotiations. However, most do not have the substantial regional base of the Inuit, and therefore cannot seek to gain self-government simply by re-defining political boundaries. Still, an important aspect of their political agenda is to secure a higher degree of autonomy and in many cases promote self-government.

For most Native northerners the settlement of land claims is an absolute priority in any political or constitutional development. Only through a just settlement will the bitterness and alienation of imposed foreign control begin to dissolve. While Natives participate in the Legislative Assembly, as it has been noted earlier, this institution is not perceived to be the final or truly legitimate regime of control. They participate only in so far as they can promote positive development for their people. Many perceive their role as that of pushing the institution along the path towards greater responsiveness.

The resolution of land claims for all aboriginal groups will undoubtedly have a significant impact on the political evolution of the entire territory. The GNWT has struggled to achieve some comprehensive understanding of a process to which they are essentially a third party. Its relevance is unquestioned because matters relating to public government regimes, and to wildlife, land, and water management, are being discussed as part of land claim negotiations.[67] The government also acknowledges that "care must be taken to ensure that the transfer of powers to the territorial government does not prejudice claims or division and that these initiatives complement each other and advance in harmony."[68] This statement aptly draws together the various issues and exposes their interconnectedness.

While all three processes - devolution, division, and land claims - are separate, their coordination is essential. If any of the three proceeds without consideration as to how it will affect the other developing processes and programs, fragmentation is certain to result. The strength and legitimacy of the GNWT, whatever it may come to be, resides in its capacity to be a flexible regime, adapting and conforming to the changing political environment.

## Conclusion

While essentially only an overview of the institutions, people and issues of the NWT, this chapter also sets the context within which representation as a political concept can be considered. We have seen how these factors can and do influence the direction of political and economic development. The GNWT, still growing and changing, serves a diverse and scattered people with various political cultures that sharply differ from those of most southern jurisdictions. It has grown in status, yet remains a consensus decision-making body rejecting partisan politics. The emergent issues of devolution, division, and land claims all present a challenge for the fulfilment of representation.

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[67] see GNWT, "Creating a Better Tomorrow; Aboriginal Claims in the Northwest Territories", 1988, p. 30.

[68] Ibid., p.30

Representation is the key concept that both informs and guides development in the NWT. Owing both to the unique political environment and majority cultures, this concept may be forging new ground in the NWT. Many indications supporting this claim are found throughout this chapter. For instance, the requirement of more direct control, and solid linkages between the represented and the representative, as insisted by the programs of devolution and division, would seem to indicate an understanding that places the community as the object of political representation. Further, the rejection of political parties in the NWT may be the result of a perception that parties distort and interrupt the relationship between the represented and the representative. The development of both the programs of devolution to community governments and land claims reveals a demand for leadership and decision-making power to be vested in the community which would also seem to have significant implications for the conceptualization of representation in the NWT.

The different political environment and the fact of a Native political majority may influence the ultimate institutionalization of political representation in the NWT. The information regarding the political environment sketches some possibilities or hypotheses regarding this concept in the NWT. The following chapter explores and articulates these hypotheses and then tests their validity.

# CHAPTER THREE - *Community as the Focus of Representation?*

## Introduction

The preceding examination of the NWT suggests a plausible picture of representation specific to this unique region. We have seen that Native political culture plays a persuasive, if not now dominant, role as the force of change and evolution. Traditional Native concepts of political organization and leadership, combined with the small, scattered nature of the population, seem to place the community at the centre of representation. Apparently, the various community interests are the focus of representation, and the community is the source of control and direction for the representative.

In order to complete this picture, and eventually to explore its significance in the context of the Anglo-American theoretical conventions, a comprehensive examination of representation in its actual and varied forms in the NWT was undertaken. As a means to organize this task, this study proposed five hypotheses which span the dimensions of representation in the NWT. The previous investigation suggests that representatives may hold the following perceptions;

1. THE MLA SHOULD BE CONTROLLED/DIRECTED BY THE COMMUNITY.
2. THE MLA SHOULD BE INVOLVED IN AND ACCESSIBLE TO THE COMMUNITY.
3. THE MLA'S FIRST PRIORITY IS TO HIS/HER IMMEDIATE COMMUNITY - THE TERRITORIAL OR NATIONAL INTERESTS ARE SECONDARY CONCERNS.
4. THE MLA'S ROLE IS TO UNDERSTAND AND BRING FORWARD

INTERESTS OF THE PEOPLE NOT MAKE DECISIONS ON THEIR BEHALF.

5. IT IS MORE IMPORTANT THAT THE MLA BE REFLECTIVE OF THE COMMUNITY THAN POSSESS SUPERIOR PERSONAL QUALITIES.

As well as investigating these hypotheses as they apply to Members of the Legislature of the NWT in general, this study also attempted to identify, where relevant, any salient divisions between groups of MLAs such as Native versus non-Native and cabinet versus ordinary Members.

A confirmation of these hypotheses will lead to a coherent understanding of representation in which the community is made the focus of representation. Such a finding would provide a meaningful and interesting point of comparison with the conventional models of representation discussed in Chapter One. Sufficient evidence to support this claim could indeed serve to expand the conventional approaches to representation.

These hypotheses are tested on a number of levels. First, interviews and discussions were held with most Members during the second session of the 12th Legislative Assembly in February, 1992. Members were assured of their anonymity in responding to all questions; the unattributed responses and ideas quoted throughout this section are from these sessions. In addition, numerous informal discussions with individuals previously involved in the GNWT, staff of the Legislative Assembly, and cabinet assistants also served to inform the analysis of this section. The second level of assessment involves a consideration of changes to the institution related to representation, especially those occurring in the 12th Assembly. Evidence of these claims emerges from observation of the Legislative Assembly, media reports, and statements made during committee sessions recorded in the Legislative Hansard, most particularly that of the Territorial Leadership Committee of November 12-13, 1991. Finally, a third level will analyze recent reports, documents and policies of the Legislative Assembly related to representation in the NWT. The most important documents addressed in this section are: *Strength at Two levels* (Nov. 1991), *Reshaping Northern Government* (Feb. 1992), *Report of Standing Committee on Legislation* (Dec.10, 1991), *Report of Traditional Knowledge Working Group* (June 1991), and *The SCONE Report: Building our Economic Future* (Oct.1989).

All three of the approaches pursued in this chapter contribute to the illumination of the relationship between the represented and representatives of the NWT. Of greatest importance throughout this investigation is the recurrent focus on the community. As will be explored, there is some suggestion that with a different political culture and different institutions of government as discussed in Chapter Two, there may also in fact be a different understanding of representation.

## The Representative; attitudes and perceptions

Members of the Legislative Assembly participated in this study in a variety of ways. While some were able only to discuss their impressions and ideas in an informal and brief session, others became involved in the study to the extent that they responded to over fifty questions in a lengthy and detailed fashion. Although it is unfortunate that all were not involved to this degree, this group is representative of all the major ethnic groups and both Cabinet and ordinary Members of the Assembly.

All discussions and interviews were structured on the basis of the five hypotheses presented in the introduction to this chapter. A series of questions were prepared in advance which related directly to all of the hypotheses.[69] The entire set of questions was divided into two broad categories: the activity of representing and the role of the representative. While there are obvious points of convergence, this distinction helps to focus the responses into the two key elements of representation. First, the category entitled the activity of representing contained questions aimed at uncovering the various tasks and requirements of representing in the NWT. The second categorization, the role of the representative, was intended to gather a sense of the perceptions held by the MLAs regarding their relationship with constituents and their community.

### The Activity of Representing

Within this first category, questions emerging from the first three hypotheses were asked. These questions were focused on three specific areas. First, the degree to which MLAs believe that they are directed by their communities in the job of representing. Second, the extent to which MLAs view their activities as involved in or directly related to their communities. And third, the degree to which MLAs exclusively focus on the concerns of their communities in their performance of the various activities of representing.

When asked generally about representing in the NWT, most Members responded with an indication of their activities as a representative. For instance, one Member defined representation in the following way: "representing means you undertake a commitment with the people to make sure people are part of all decisions made here". In order to derive a sense of the reality of this statement beyond its obvious political expediency, more specific questions regarding the frequency with which Members consult constituents on individual issues and the practicality of involving the community to this extent followed. A very traditional Native Member quickly and forcefully responded to these inquiries by stating, "I'm not here to rubber-stamp things- I have to consult my people. I won't make any decisions without talking to my people".

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[69] See Appendix I.

Most Native Members cited consultation as the essential, if not the only, task of representing. When questioned as to the lack of efficiency of such ongoing and intense consultation, Members consistently pointed out that without the involvement of the community, there is in fact no representation taking place. As a Member stated, "the most important part of representing is being with the people- if I didn't see my people for a while they would say 'hey, we never see him any more'- that would be no good- that would not be representing". The very definition of representation that operates in the NWT insists on the involvement of the community. The MLA is then naturally guided and directed by the community: it is the very basis of representation in the first place.

Flowing directly from the initial questions regarding the involvement of the community in representing, most Members moved to advocate institutional reforms necessary to accommodate their belief in the value and necessity of consultation. All Native Members stated that the most consequential problem of the institutional structure of the Legislative Assembly is the lack of community involvement. The Westminster system is deemed by many Members to not recognize the central nature of the role played by all people. In particular, Members stated the inappropriateness of making any decision without contact and consultation with their constituents. One Native Member stated that "in this place there is no time for talking with the people- we're going to change that- the institution is the problem- we have to make sure there is time for the Members to get back to the communities." Accordingly, genuine public consultation was the first commitment of this most recently elected government. Again, especially the Native Members spoke of this as a very real and very necessary reform, one that moves the institution towards a greater degree of representativeness, and therefore legitimacy, in the eyes of Native people. Only non-Native Members, especially those representing the larger urban centres, acknowledged the potential problems of this kind of involvement. One such Member quoted the familiar phrase, "you can't please all of the people all the time, only some of the people, some of the time." On the contrary, Native Members spoke of the community in the singular and therefore to them, representing the people did indeed mean pleasing all of the people all of the time.

On this first question of the extent to which the community directs the activities of the representative, a clear majority of the respondents confirmed this perception. Significantly, those most strongly in support were those of the most traditional Native communities, who spoke of the community as the absolute centre of control. On the other hand, the only Members who mentioned the problems of involving people at every stage and the potential compromise of efficiency were two non-Native Members.

The move to reform the Legislative Assembly to allow for more time for consultation before final decisions are rendered also introduces the question of how far the activities of the representative are perceived to relate directly to the community. Members were asked about their specific tasks as a representative in the NWT. One Native representative of an urban riding simply responded by saying, "I represent a constituency that is all over the city therefore my job is to be all over the city". All members except Cabinet Ministers are full time residents of the communities which they represent. Most of them perform some function within their communities besides being the MLA. For instance, many continue to work on the trapline or are involved in the band associations of the community when they are not in Yellowknife. Cabinet Ministers spoke of the inevitable necessity of spending more time in Yellowknife because of their government responsibilities, but were quick to assert the importance of returning to the community as often as possible. All Cabinet Ministers are given substantial travel budgets which allow them to make thirty-two trips to their constituency annually. One Native Minister indicated that every weekend in which he does not have a Cabinet responsibility to be elsewhere, he flies home, even though home is literally thousands of kilometres away. He shrugged and simply said, "I can't do my job without seeing my people".

Most Members spoke of community meetings as one of the most significant and time-consuming activities of a representative. All hold a constituency meeting at least before and after each session of the Legislative Assembly and spend much time meeting groups and talking on local radio. Involvement in the community and responding to constituents is clearly judged to comprise the most important and extensive activities of representing. One Native Member summed up his activities as a representative with an interesting comment. He stated, "I'm always campaigning- it's not just something that happens at election time like in places in the south. For a Native representative, campaigning everyday, listening to the people, and talking with them is what the job is all about".

The positions of Members on the issue of their concerns being exclusively focused on the community are a little more difficult to discern. While it has been established that the community directs the representative and, in fact, consumes the largest portion of his/her activities, the degree to which Members refrain from holding a territorial-wide vision is unclear. Currently, several issues, such as division and constitutional reform, necessarily involve all residents of the NWT and therefore the MLAs are involved in discussions which impact beyond their constituency borders. There is, however, an important difference between the views expresses by Native and non-Native Members. All non-Native Members responded to questions about their involvement or interest in concerns not directly related to their constituency by saying, "the average Member has no sense of the whole Territory. They are only concerned with their communities- this is one of the real problems in the Assembly." Non-Native Members entertained the idea that they did in fact have a Territory-wide vision, but that this was not something they shared with their Native colleagues.

Native Members responded quite differently. Most repeated that their primary function was to represent their individual constituency and acknowledged that some issues of territorial scope do affect their communities. This fact alone necessitates their involvement and participation in Territory-wide issues. While non-Native Members expressed the importance of being involved in constructing a Territory-wide vision, Native Members conversely saw such involvement as only necessary when it affects the interests of their own constituency.

## The Role of the Representative

How MLAs perceive their role as a representative contributes to an understanding of the operation of representation in the NWT. Questions asked in this section were drawn specifically from the last two hypotheses. Accordingly, an attempt to discern the MLA's understanding of the residence of power, whether within the community or with the individual him/herself, in decision-making is made. Second, the relationship of the representative to the represented is assessed: whether the MLA perceives him/herself to be superior to or merely reflective of the constituency population.

A common perception among Native Members was that improvements to the institution of government were slowly being made. One of the most important was perceived to be the increased participation of the people.

> The problems in the past were all a result of the fact that the people themselves didn't set it up- it was set up illegally by Ottawa. The control, the constitution, institution were foreign to the people. Things are getting better with affirmative action that is allowing the people to have a say- this Assembly is going to address these problems- the people need to be more involved.

Statements such as this indicate an important perception of the role of the representative.

The evolution of the institutions allowing for increased involvement of the people responds to a belief that the people should be involved in decision-making.

The problems of the past are described as problems of power being vested in a remote and unresponsive source. Communities themselves seem to be deemed the most appropriate source of decision-making that affects the welfare of the community.

A Native Member from a traditional community spoke of southern systems in which the people elect MLAs to make decisions based on an ideology. He drew the NWT as a stark contrast to this practice, "the people here don't know much about that kind of politics- the left-wing or the right-wing doesn't make a lot of sense to them. They do know that there are problems in the community and they know what the community needs." This Member went on to state that an important contrast between the partisan systems of the south and the NWT is that southerners seem to elect people to make decisions whereas in the NWT "representatives just represent what they hear and know to be the interest of their community." Decision-making power would then seem to be vested in the community and not in the individual representative. In the words of another Native Member, the role of the representative is "a two-way street. While we take back information and keep the people up to date, the most important thing we do is bring the concerns of the people to Yellowknife." The majority of Members perceived their role in this context, far more as a communication link than as a decision-maker.

As a conclusion to the questions regarding the role perception of MLAs, all were asked to situate their role in reference to one of the following: leader, spokesperson, mediator, administrator. While two non-Native Members hesitated and then responded that they perform each of these roles to varying degrees, four traditional Native Members swiftly rejected all of the suggestions and firmly asserted that they were 'servants' of their people. Other Native Members said that they perform a variety of tasks but are essentially a vehicle through which local interests are expressed. Responses to this question establish an interesting range of perception. Non-Natives holding to some self-definition as a leader and perhaps a decision-maker on the one side, and traditional Native Members on the other side proclaiming their role as a servant to the community. The other Members are situated between these two poles, with the majority of the remaining Native Members definitely closer to the 'servant' end of the spectrum.

When Members were questioned about the specific credentials that made them effective representatives, only a few and essentially only non-Natives listed the conventional characteristics of education and expertise. The most consistent response to this type of question was similar to that given by one Native Member who explained: "I grew up in the area, so did my father and grandfathers. I speak the language of my people and my people know me." Indeed, most Members were highly knowledgeable about the historical and sociological development of their communities. Many described at great length the traditions and lifestyles of their people. A connection to the community and an involvement in its affairs were expressed as the most important characteristics of a successful representative.

## Institutional Change

Beyond the perceptions of MLAs in the NWT, there are several recent changes in the institutional structure which contribute to a confirmation of the community orientation of representation. The election that took place in October 1991 established several new approaches in the selection of the Government Leader and Cabinet.

When the newly elected Members assembled in Yellowknife in November 1991, a consensus on the importance of public involvement was reached. This commitment led to a lengthy discussion about several important institutional changes. First, a motion for a mid-term accountability review for all Cabinet Ministers was put forward and unanimously endorsed. The mid-term review is to be a process whereby "the Government Leader and Members of Cabinet shall report to and be accountable to Members of the Legislature on progress to date and plans for the remainder of the term of the 12th Assembly."[70] In supporting this motion, Members stated that it will "add a measure of accountability, and it will be healthy for the new Government Leader and Cabinet to know that they are going to face a mid-term accountability session."[71]

A second important discussion with significant implications for representation occurred concerning the selection of Cabinet. A Native Member, Mr. Morin, put forward a motion that the Members continue to select the Members of Cabinet. There had been some interest in previous Assemblies in allowing the Government Leader to select the Members of Cabinet, a power exercised by all other Government Leaders in the Canada. Accordingly, several non-Native Members opposed the motion on these grounds. They addressed the Assembly with the following concerns;

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[70] Motion that there be a mid-term review after two-years as read by the Hon. Michael Ballantyne, Territorial Leadership Committee, November 12, 1991, p. 16.

[71] Hon. D. Patterson, Territorial Leadership Committee, November 12, 1991, p. 14.

> we need to know that the Government Leader can put together a team of capable players. That requires discipline. To get discipline you have to have some allegiance. The Leader needs to be the coach that everybody owes their allegiance to in order to make sure that they can get the job done.[72]
>
> The best way you are going to have loyalty.. is if those Members know where their job came from. How can you ask someone to be the boss if they did not put you in the job?[73]

However, the motion as put forward by Morin, received substantial support from the Native Members of the Assembly. Generally, there was a perception that allowing Members to select Cabinet Ministers was a mechanism to ensure that power did not become concentrated in the hands of one individual. Native Members consistently supported the motion with the following words:

> I fear that this House, having gained substantial power and responsibility entrusted in us by our constituents, would be losing that if we did anything else but select the Cabinet by all Members.[74]
>
> I disagree to the Government Leader being given too much power or authority and for that reason I support the motion.[75]
>
> As a consensus system, one of the most important things is having respect for each another, having

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[72] Charles Dent (Yellowknife Frame Lake) p.17.

[73] Dennis Patterson (Iqaluit), p. 19.

[74] Tony Whitford (Yellowknife South), p. 18

[75] Ludy Pudluk (High Arctic), p. 18.

> respect for wishes of each other, and allowing everybody equal opportunity in the process. If we deprive them of that opportunity... our consensus is going towards party politics.[76]
>
> The 24 Members should select the cabinet. We are talking about an open, honest, accountable government. This is what we hear from the public, the people who have elected us, and I think it would be going contrary to the wishes of our people in the North if we allow our authority to be given to one individual here to form the government.[77]

The final vote on this motion indicates a significant division between Native and non-Native Members of the Assembly. Fifteen Members voted in favour of the motion, all of whom were Native. Every non-Native Member of the Assembly voted against the motion.[78] As the words of the Native Members indicate, they perceived the concentration of power in the Leader compromising their ability to bring forward the interests of their constituents. The non-Native Members advocated discipline amongst Cabinet Members as a necessary pre-requisite for efficient policy making, whereas Natives perceived this as a restriction on their role to represent their people. The decision to continue to involve all Members in the selection process re-confirms that the dominant perception in the GNWT stresses the necessity of every community being involved in the decision-making process.

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[76] Jeannie Marie-Jewell (Thebacha), p. 19.

[77] Jim Antoine (Nahendeh), p. 20.

[78] As reported by Territorial Leadership Committee, p. 21-22. Two Members Nellie Cournoyea and Kenoayoak Pudlat abstained from the vote.

Leadership Selection

For the first time in the history of the Assembly, the selection of the Government Leader was held in public. From indications in media reports, the public gallery was filled to capacity, and the entire proceedings were broadcast in all official languages across the territories.[79] As one of the candidates, Stephen Kakfwi, stated, this was an important new direction for the Assembly. He began his address by saying:

> I welcome you all to watch the proceedings of this Legislature because I think one of the objectives during this recent election was to open up this government, this Legislature, to your eyes so that we may hear you a little better. I am proud of the fact that no matter what happens, things are never going to be as they used to be in this Legislature.[80]

Kakfwi and the other candidate, Nellie Cournoyea, (both of whom are Native) made opening speeches and then went on to respond to almost eighty questions in a four hour session. Clearly, this entire session did not resemble the leader debates of elections in southern Canada. Throughout, both candidates responded to a wide variety of complex and well-articulated questions. There were several occasions on which one candidate responded and the other replied simply, "I agree" or "..my view is basically the same"[81]. Whenever either candidate spoke of the other, it was in pleasant and respectful terms. For instance, at one point Kakfwi stated: "Nellie's starting to sound like me, but I should be fair and say we are starting to sound like each other"[82] Clearly, this was not a power struggle between two individuals; rather, it was an open and detailed discussion about all of the important issues, from which a leader emerged.

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[79] "Cabinet ministers wait for portfolios" News North, November 18, 1991, p.A7.

[80] Stephen Kakfwi, Territorial Leadership Committee,p. 23.

[81] Cournoyea, p.27.

Ultimately, Cournoyea was declared the Government Leader. Both her statements and those of Kakfwi following the debate confirmed the consensual nature of the process. Kakfwi responded to his defeat by saying: "Thank you,... I want to assure you that I will be with you for four years to work with all of you and to support Nellie. I can tell you with all honesty that I would have been happy to win, but I am just as happy to lose."[83] Cournoyea accepted her new role as Government Leader with the following words:

> In all my life, I have never done a job alone. I have always been fortunate to have good people around me, even though sometimes we disagree; and I think disagreement sometimes is good, because it brings out issues that otherwise we may leave under the table, festering and making people feel difficult and bad... I will continue to be a very open person. I have taken the job, not the title.[84]

Nellie Cournoyea emerged as Leader from a session that did not at all resemble a fight; rather, it was an open discussion about the issues and interests of the North.

The selection of Cabinet Members was also held for the first time in public. Several Members were nominated to stand for a Cabinet position then each made a speech before the final voting took place. Here again, there are significant implications for an understanding of representation in the NWT. Most Members began speaking in their Native language, by explaining the process to their people watching or listening. Jim Antoine, for instance, began his speech by explaining, "there are quite a few people nominated for Cabinet, I am one of them... out of the people who are nominated there will be a few selected to be sitting on Cabinet."[85] Following this type of introduction, all nominees made a short presentation. A sampling of speeches of Native MLAs and non-Native MLAs reveals some interesting contrasts. The following are excerpts from Native MLA speeches:

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[82] Kakfwi, p. 32.

[83] Kakfwi, p. 46.

[84] Cournoyea, p. 46.

> I think someone from Keewatin should run; even though there is one better able to sit, he decided not to run. My reasons mainly stem from the desires and wishes of the people from the communities... we have to emphasize their needs.[86]
>
> I had the opportunity to go out on the land with Titus and his people. It is no different than us except they do not have spruce boughs on the floor of their tent. ... You don't have to be a rocket scientist or computer whiz to know there are problems in the North. All you need is some common sense and knowledge of what the community needs are. It is always good to have an accountant or a lawyer but you better make sure you have some people to bring it down to earth so that it represents all the people of the NWT.[87]
>
> I am not really educated because there was no school when I was young ... but I have a lot of knowledge

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[85] Jim Antoine, p. 49.

[86] Silas Arngna'naaq, p. 50.

[87] Don Morin, pp. 54-5.

> about the people and a willingness to help the people.[88]
>
> I place myself at your service. [89]
>
> I've been through many different families as a child -it was part of survival to be honest and straightforward which I remain to this day.[90]

In contrast, some of the non-Native Members made speeches which highlighted their personal qualities and credentials.

> I am a very qualified person, very well educated in the sense that I spent seven years of my life at University and I have two degrees. ... I have worked at every level of government, as an administrator, I have always stayed within my budget.[91]

While there were clearly varying degrees to which Natives and non-Natives exhibited a particular approach, generally Natives emphasized their connection with their community whereas non-Natives spoke of personal qualities. Interestingly, the approach of focusing on the community seems to have been most successful. Native Members quoted above, Morin, Ningark, and Whitford were all successful in their bid to be a Cabinet Member. Successful non-Natives, Patterson and Pollard, also included some discussion of the community in their speeches unlike the unsuccessful non-Native, Lewis, who is quoted above.

Once again, an understanding of representation and the role of the representative seems to differ from conventional models. Leaders were selected not primarily on the basis of their individual skills, but rather on their attachment and understanding of the needs and concerns of the communities.

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[88] Ludy Pudluk, p.58.

[89] Tony Whitford, p.59.

[90] John Ningark, p. 56.

[91] Brian Lewis, p. 52.

### Collective Responsibility

One of the most persistent attacks on the institution of government in the NWT focusses on the lack of collective responsibility in a non-partisan system. Given that there are no parties, it is true that neither discipline nor a sense of the collective are evident in a conventional sense. Recent changes in the informal organization of the House do, however, address some of these concerns.

### Native Caucuses

Over a decade ago, the Members representing the Eastern Arctic formed what has become known as the Nunavut caucus. This group meets regularly and has a collective goal of putting forward issues directly related to the Eastern Arctic. A more recent development has been the formation of the Dene/Métis caucus. Both groups, which are comprised of both Cabinet and ordinary Members, work together to form a common front on issues pertaining specifically to their region. These groups offer aboriginal peoples a forum in which to address political and constitutional issues, such as land claims and self-government provisions.[92] These groups, while certainly not acting as political parties imposing discipline on their members, do create coordination within the Assembly. Members of both groups express a sense of responsibility regarding decisions and positions taken by the respective caucuses as a whole.

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[92] Territorial Leadership Committee, p. 26.

### Cabinet

Along with the sense of collectivity on an ethnic basis, the Assembly is also divided between Cabinet and ordinary Members. The Members of the 12th Assembly decided to re-arrange the Legislative assembly to reflect this division. For the first time, Cabinet Ministers sit together on one side, and the other Members sit across the floor facing them. This is a symbolic indication of the importance of viewing these two groups as separate collectivities.

Each morning Cabinet meets to discuss the emerging issues and problems. Within this group of Ministers, there is a clear sense of working together to support one another. Again, this does not resemble the disciplinary collective responsibility of partisan systems, but it does indicate some sense of collectivity and coordination.

### Ajauqtit

Ajauqtit, an Inuit word meaning "people who push", is the name given to the ordinary Members. They, too, meet each morning to discuss and coordinate their strategy. While originally an ad hoc assembling of Members, today Ajauqtit has become entrenched and fulfils all of the functions of an opposition in a partisan system. They view themselves as a collectivity and work in concert to check and question the actions and policies of Ministers.

Even without party discipline, there is clearly a sense of collective responsibility operating within the Legislative Assembly of the NWT. There are two levels, one ethnic and the other institutional, upon which coordination is formed. MLAs can be members of two caucuses in this system, in which case they express a sense of responsibility to both. Members furthermore expressed their willingness to be judged at the ballot box as a Member of one of these caucuses. There is a general perception of the need to work together and to coordinate approaches while still allowing individuals to bring forward the concerns of their individual constituencies.[93]

The continued support for a non-partisan system is based on the conception of representation operating in the NWT. While recognizing and adopting the coordinative benefits of a partisan system, the Members of the Legislative Assembly insist that they retain the independence of a non-partisan system that allows them to represent the interests of their communities at all times. A direct link, unobstructed by party dogma and policy, between the represented and the representatives is an essential characteristic of the GNWT for most of its Members.

### To The People

Perhaps even more significant, and certainly most overlooked, is the fact of government accountability to the people at large. While the preceding discussion has revealed the ways in which there is accountability within the institution of government, there is also accountability to the constituency of the GNWT. As stated in Chapter Two, the most persistent, yet erroneous, assessment of this non-partisan institution is that it does not deliver ballot box accountability. In fact, however, accountability in the NWT has little to do with the election process. Elections can be and are used to remove Members deemed to be unfit for the position. However, accountability actually occurs not once every four years at election time but on a continuous basis, as representatives are expected to listen to and to consult with their people constantly.

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[93] This was expressed by Don Morin in a press release of the Legislative Assembly on November 10, 1991.

This incongruity between accountability as it operates in most North American jurisdictions and the form it takes in the NWT is perhaps best illustrated through the interpretation and description of a Member. During the election of October 1991, some outside observers commented that the fact of six acclamations for the office of Member of the Legislative Assembly was an indication of undemocratic practices that actually threaten the legitimacy of the institution. One such acclaimed Native Member was particularly incensed by this assessment. He stated during an interview that;

> It just doesn't make any sense. I could see it if I didn't listen to my people or bring up their needs but I do- I listen and everybody seems pretty happy. Why would someone run against me? They would only lose because I do my job and my people support me because of that.

This perspective coincides with the Native tradition in which leaders were not usually formally selected; instead, they are simply those individuals who appear to the group to possess certain necessary qualities for leadership. Accountability arises in this system through the fulfilment of the representative's role to listen and bring forward the interests of the community, to which s/he is both accountable and responsible. The ballot box merely secures an effective way to deal with ineffective representatives. It is not as it is in most jurisdictions: the only opportunity given to constituents to demand accountability, for the understanding of representation in the NWT insists on ongoing accountability.

## Process Change

A consideration of actual policy changes and activities also serves to further support the orientation of political representation towards the community. An examination of the recent and significant policy reports and documents reveals the common theme of the necessity of change. While each addresses a different aspect of government, most begin with a statement like the following: "defense of the status quo or single-minded pursuit of unrealistic objectives will surely undermine the process of constructive change which is desperately needed...".[94] The mood for change, evident throughout the Government and the population of the NWT, also has a common focus. John Todd, MLA, effectively assessed the situation when he stated: "the time has come to put control of government programs in the hands of regional and local decision-makers".[95] Essentially, the movement towards change has thus far centred on two initiatives that have become the guiding forces of the government today. These include, first, a commitment to more open government which also involves a recognition of the importance of public consultation and, second, the pursuit of community transfer agreements that will allow for devolution to community governments. Both of these reflect the community orientation of representation, as they encourage a more responsive regime that is increasingly controlled by the community.

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[94] Michael Ballantyne, "Chairman's Statement", Strength at Two Levels Report, Yellowknife; GNWT, November, 1991, p. 3.

[95] As quoted by News North Monday October 21, 1991 p. A1.

## Strength at Two Levels

The most important document released in one of the first acts of the 12th Legislative Assembly is Strength at Two Levels, the report of the project to review the operations and structure of northern government. The report fully recognizes that the "structures and programs of government should be more reflective of northern and Native culture".[96] Its recommendations to meet this end prompted the following conclusion: "in many cases re-building the GNWT along these lines means breaking with southern program and organization models... the GNWT no longer needs to adopt a follow-the-leader approach; it can be the leader"[97] Accordingly, this document proposes sweeping changes to the bureaucratic structure of government in the NWT, including substantial cutbacks and streamlining of departments and agencies. While this approach is not new, especially in recessionary times, it does differ from the activities of southern governments in an interesting way. Beneath the proposed specific measures is an underlying belief in the necessity of eliminating the complicated layers of bureaucracy in Yellowknife, in order to allow individual communities to have more direct control over decisions and programs which affect them. The challenge, according to the report, of government in the NWT is "to scale back its operations while creating means for northern communities to move in and support themselves"[98]. It recognizes one of the most severe problems of the past to have been "the increasing role of the territorial level of government in communities which eroded the communities' responsibility for their own well-being" and proposes that this situation has created a need for "a transfer of authority and resources from the territorial level to the community level of government"[99]. Rather than suggesting that individuals will simply have to be satisfied with fewer services and programs, as insisted by governments experiencing difficult economic realities elsewhere, the GNWT has responded by implementing a policy which will allow for more direct involvement by affected communities in decision-making and resource allocation.

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[96] Strength..., p. 172.

[97] Strength..., p. 172.

In February 1992, the government released a short paper entitled, "Reshaping Northern Government", which provides a concise overview of the ideas and proposals of the larger Strength at Two Levels report. It re-iterates that, beyond streamlining and deficit control, the government must "also recognize the local way of getting things done and of the need to encourage greater community self-sufficiency with strong community governments making their own decisions"[100]. The paper establishes a plan for implementing these policy directives. It makes a "firm commitment to an open and consultative process"[101] and sets out a set-by-step procedure to achieve the goals of the Strength at Two Levels report. The strategy begins with deficit reduction from program cutbacks and program integration, as well as departmental consolidations and the rationalization of boards and agencies. These steps are to be pursued along with transfers to community governments and, finally, the streamlining of the Government's central machinery and its decision-making processes. Throughout the document, there is a substantial degree of flexibility built into the process and implementation procedure. At every stage, there are provisions for consultation and the for incorporation of the views of community and Native groups.

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[98] Strength..., p. 163.

[99] Strength..., p. 164.

Emerging from these two most important documents concerning the direction of political and institutional development in the NWT are some consequential themes. A solid commitment to more open government and the recognition of the importance of communities making their own decisions both reveal a particular understanding of representation. The perception is that the shorter and more direct the link between those affected and those making the decision, the greater the degree of representativeness.

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[100] GNWT, "Reshaping Northern Government", tabled document no. 10-12, February 19, 1992, p. 4.

[101] "Reshaping...", p. 19.

Committee Recommendations

These broad policy decisions have also been followed and implemented within the Legislative Assembly. The Standing Committee on Legislation reported on December 10, 1991 that substantial changes were necessary in the handling of legislative processes. Most importantly, it stated that "the public should have a voice with regard to both the principle and the substance of any proposed law"[102]. It also confirmed the importance of any Member proposing legislation in the form of a Private Member's Bill, which it stated is a crucial channel for the expression of regional interests in a consensual style of government. The report further advocated the necessity of using all official languages in all stages of the legislative process. Once again, there is an evident commitment to open government and a confirmation of the apparent importance of responsiveness over efficiency.

The full report of this committee was adopted by the Legislative Assembly and referred to the Standing Committee on Rules, Procedures and Privileges to design an implementation of the new legislative process. It, in turn, recommended increased time delays between the readings of bills to allow for more careful and open consideration, as well as a more flexible amendment procedure.[103] These changes, which create a 'new legislative process' for the NWT, have been enthusiastically supported and swiftly implemented. The new process places greater emphasize on the involvement of all Members and, indeed, the general public as well.

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[102] Report of Standing Committee on Legislation, "Review of the Legislative Process for the 12th Assembly", Committee Report No. 02-12(1), December 10, 1991, p.4.

[103] Standing Committee on Rules, Procedures and Privileges, "Report on Rule Changes for the Implementation of a New Legislative Process", Committee Report 01-12(2), February 17, 1992.

A central incentive behind many of the proposed changes is the development of an unique, responsive and indigenous institution of government for the NWT. Accordingly, significant attempts to incorporate elements of the traditional modes of decision-making of the inhabitants of the North are being pursued. A major study undertaken by a task force of the Department of Culture and Communications investigated all traditional forms of organization through extensive interviews with Native elders across the NWT. Its final report, entitled Report of the Traditional Knowledge Working Group, released in 1991, advocates increased reliance on the traditional knowledge of northerners in the future development of government structures and programs. It documents the irony and inappropriateness of the essentially European designation of the institutions, laws and programs of the North, which is often inconsistent with the extensive knowledge and experience of political organization among the traditional elements of the northern society.

> The survival of the Inuit, Inuvialuit and Dene depended for thousands of years on their traditional knowledge, special relationship with their environment, their ways of organizing themselves and their values. Traditional knowledge was passed on from one generation to the next. It was based on thousands of years of observation and testing. In the relatively recent history of the NWT, however, the assumptions and accumulated knowledge of Euro-Canadians have

come to form the basis for most institutions... .[104]

The report concludes that the maintenance of Native peoples as a distinct element in the modern world requires preservation of traditional ways in the institutions of today. It documents that Native peoples "are demanding that culturally appropriate systems be available in which to work out their problems"[105] and that traditional knowledge must form the basis of northern political development. Ultimately, the report reveals many ways in which traditional knowledge could, and should be, utilized as a major influence on all aspects of northern society. This study exemplifies the belief in the importance of responsiveness to the constituency prevalent in the Government of the NWT and the society at large.

Even studies that deal with the very practical problems and issues of the North recognize the need to promote increased involvement and, ultimately, community self-reliance. The most comprehensive investigation of the economic situation and prospects in the NWT was undertaken by the Special Committee on the Northern Economy in 1987. The Committee was mandated by the Legislative Assembly to "go out and study the economy. Visit communities in every region and see for yourselves how the economy actually works in everyday life."[106] The committee consequently spent over two years travelling to all of the communities of the NWT, where they invited the public to present any concerns or ideas regarding the economy. In addition to these extensive public meetings, the committee also met with representatives from business, labour, Native and special interest organizations, as well as various government departments in Yellowknife and Ottawa. The very approach of this committee reveals the perception of the importance of government representatives listening to the people concerned. Rather than appoint an economist or consultant to the task, the northern approach was to send out its people to listen, to learn, and ultimately to synthesize what they had heard into a coherent strategy for the northern economy.

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[104] Department of Culture and Communications, editor Allice Legat, Report of Traditional Knowledge Working Group, (Yellowknife; GNWT, 1991), p. 9.

[105] Traditional Knowledge..., p. 1.

[106] Special Committee on the Northern Economy, The SCONE report: Building Our Economic Future, (Yellowknife; GNWT, 1989), p. 2.

Among the report's most important recommendations is an insistence of the need to foster community development. Rather than an economy modeled as a core and a periphery, the report sees community and regional development as a crucial element of northern economic development. The committee concludes that many activities and decision-making processes should be decentralized to the regions and local communities. For instance, the final report recommends, among other things, that the local community have a much greater say in all aspects of the housing industry and that government must also recognize the right of local communities to have first say in the development of resources that surround the community, as "in a very real sense, local resources "belong" to the local community"[107]. These are but two specific examples of the report's conclusive support of community involvement in all aspects of northern economic development.

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[107] SCONE..., p. 60.

The need for community self-control is thus both advocated and actively supported by the current government of the NWT. The most significant programs and policies of the very recent past confirm the direction of government and reflect its orientation regarding representation. The government is moving quickly towards the devolution of power to the community level. It is also incorporating significant measures to ensure openness and consultation at every stage of governing. These facts further confirm that the northern conception of representation places the community (or the represented) firmly in control of the representative. Representative government is seen not as an institution to make decisions on the behalf on others, but as a gathering of individuals who listen to and bring forward the concerns of the constituency. To this end, the central government is anticipated to function more as a coordinative and administrative body than a powerful decision-making institution in the future. The current proposals discussed above will contribute to the achievement of this long-term goal of government in the NWT.

## Conclusion

The information gathered in all three approaches undertaken in this study consistently illustrates representation in the NWT. The community as a focus and object of representation is an astonishingly recurrent theme. A recollection and careful consideration of the five hypotheses, in light of this information, renders a conclusive picture of representation as it operates and is perceived to function in the NWT.

While all five hypotheses were explored and all, to varying degrees, contribute to an understanding of representation, two hypotheses emerge as essential components. The results are therefore more appropriately organized into two categories, major and minor hypotheses, as follows:

**Major Hypotheses**

1. THE MLA SHOULD BE CONTROLLED/DIRECTED BY THE COMMUNITY.
2. THE MLA'S ROLE IS TO UNDERSTAND AND BRING FORWARD INTERESTS OF THE PEOPLE NOT MAKE DECISIONS ON THEIR BEHALF.

**Minor Hypotheses**

1. THE MLA SHOULD BE INVOLVED IN AND ACCESSIBLE TO THE COMMUNITY.
2. IT IS MORE IMPORTANT THAT THE MLA BE REFLECTIVE OF THE COMMUNITY THAN POSSESS SUPERIOR PERSONAL QUALITIES.
3. THE MLA'S FIRST PRIORITY IS TO HIS/HER IMMEDIATE COMMUNITY - THE TERRITORIAL OR NATIONAL INTERESTS ARE SECONDARY CONCERNS.

The two major hypotheses, which indicate both the activity of representing and the role of the representative, are firmly supported by the evidence presented in all three areas of investigation. Control can be concluded to be vested in the community, as most Members, most particularly those of strong Native cultural attachment, view themselves as a servant to those they represent. The commitment to non-partisan institutions, also most strongly supported by traditional Native Members, further illustrates the perception that representatives must bring forward directly the interests of the community. Changes in the processes of governing, such as allowing more time for consultation between the reading of bills and a recognition of the need to devolve decision-making power to the community level of government, also illustrate this claim. The representative in the NWT is then perceived to act by bringing forward the interests of the community under the direction and ultimately the control of that community.

The investigation which emanates from the minor hypotheses also provides some information about the representative and representing. Most of a representative's time is spent with the constituency. Also, most representatives have long-term and ethnic attachments to their constituency. It is these qualities and their knowledge of the people which are seen as the greatest assets for a representative to have, as opposed to education or expertise. In the activity of representing most become involved only in issues which affect their own constituency. The move to implement community transfer agreements reveals an approach to policy-making which emphasizes individual communities making decisions for themselves, rather than the promulgation by the Legislative Assembly of a broad, general policy for the whole territory.

The major hypotheses supported by the minor hypotheses, produce a definite picture of representation. There is a clearly defined relationship between the represented and the representatives. Within this relationship, it is the represented as a whole (the community), that is both the source and the guardian of power. Representation is therefore an activity in which an individual of a specific community, the representative, brings forward the interests of that community to a central and coordinative body, the

Legislative Assembly.

The explicit focus of representation in the NWT is the community. Although this conclusion derived from the information presented in this chapter, has produced a comprehensive picture of representation in the NWT, its significance is not yet certain. Only through a comparative assessment with the conventional approaches to representation will the relevance or significance of the understanding of representation in the NWT be known. Consequently, the information provided in Chapter Two and the evidence and final rendering of representation in this chapter must be considered in connection with the theoretical introduction and conventional models of representation in Chapter One. Chapter Four offers an exploration of the understanding of representation in the NWT as it relates to the Anglo-American tradition and literature on representation.

# CHAPTER FOUR - *Expanding the Concept of Representation*

## Introduction

An assessment of the historical and cultural circumstances of the North and an examination of the institutions and actors of representation in the NWT both lead to a definition of representation. As concluded in Chapter Three, representation in the NWT focuses on the community as the basic social unit. An appreciation of the significance of this particular understanding of representation in the NWT first requires a recollection of the theoretical discussion of representation in Chapter One.

A brief comparative analysis indicates the possibility of two significant outcomes to this study. First, it suggests that the understanding of representation in the NWT significantly differs from the conventional Anglo-American understanding to the extent that it forms the basis of a distinct model of representation. Second, it would seem that this study, while essentially concerned with representation, has far broader implications. Ultimately, this chapter will assert that the approach to representation in the NWT is founded on a different understanding of politics and political institutions among the dominant cultural groups of the area.

This chapter will proceed by identifying the relevance of the findings for representation and will then seek to establish the broader philosophical implications of the particular approach to representation. The discovery of differences between the dominant approach to representation in southern jurisdictions and that of the NWT implies a model of representation. This model will be explored as to its origins and its potential for long-term institutionalization in the NWT and elsewhere. The model leads into the final section of the chapter as it would seem to allude to the general philosophical approach to social organization in the NWT.

It will be shown that the conceptualization of the polity, primarily influenced by Native culture, differs fundamentally from that of the predominantly market-based understanding of political organization in 'southern' jurisdictions. Whereas most North American institutions are premised on liberal-individualism, the institutions currently evolving in the North resemble the communitarian description of society. The final section of this chapter will then expose some interesting points of convergence between the political philosophy of very traditional Native societies and that of the recent development of post-modernism in the Anglo-American world.

## Representation

### Conventional Anglo-American Models

The significance of the findings of the study to this point must be first assessed by a comparison with the conventional models of representation as stated and explained in Chapter One. All three contain a different definition of representation. The two most significant aspects of these models are their definitions of interests or objects of representation and second, the relationship of the representatives to the represented.

First, the Burkean model sees representation as an activity performed by superior men to derive the national interest. He perceives that the nation, as an indivisible unit, is the object or interest to be represented and that representatives, as individuals of superior intellect, are entrusted to make decisions on the basis of a broadly-defined national interest. As a result, the representative is not obligated by the represented as his/her task is to discover the national interest.

Second, the Madisonian model defines representation as a aspect of governing that acts as a filter for all of the interests in the society. Madison defines interests, very differently than Burke, as numerous and attached to various and conflicting groups in society. By bringing these interests together in the institution of representative government, the dangerous potential of one interest or faction to dominate the rest of society is diminished. In this model, the representative, given that the representative represents a group interest, must necessarily be responsive to the group.

Third, the Millian model characterizes representation as an activity which allows for the greatest possible participation of individuals and therefore individual interests through a high turn-over of participants. Accordingly, the individual interest of the representative, presumably also indicative of the interests of the community s/he represents, is the focus of representation. Representatives therefore represent and are deemed to be responsive to primarily individual interests in this model.

The picture of representation in the NWT which emerges from this analysis has some significant and interesting dimensions when considered in light of these three models. First, somewhat similar to the Millian model, the representative's own interest tends to be seen to be connected with the interest of the community in that representatives are part of, and tied to, the community unit. The object of representation for each representative, however, is the community as an indivisible whole rather than the compilation of individual interests as described by Mill. Somewhat reminiscent of the Burkean model, the collective is the interest that is predominantly represented in the Territorial Legislature. Still, the NWT differs from the Burkean model, as there is not one so-called *national* interest but rather one complete and whole interest for *each* community that is encompassed by the territorial boundaries. This notion in turn takes us in the direction of the Madisonian model, but here again the NWT deviates significantly. Whereas Madison sees representative government as the forum for various conflicting interests which are, by their very nature, shifting coalitions of the national population, interests brought to the NWT Legislature contain a greater commonality and are defined, stable community interests.

A more extensive examination of these theories, especially that of Edmund Burke, brings to light other dimensions of representation in the NWT. While the dominant interpretation of Burke focuses on his elitist approach to representation, in that his representative was superior to and therefore not obligated by the constituents, it is important to note that Burke's theory of representation contained a second, and perhaps even contradictory, element. Burke also defined the interests to be represented as objective and stable. As Pitkin realizes, "Burke conceives of broad, relatively fixed interests, few in number and clearly defined, of which any group or locality has just one"[108]. This understanding of interests is very different from the description of shifting and volatile coalitions given by Madison and the individualist, inconsistent definition of interests given by Mill. This definition is, however, quite closely related to one aspect of representation in the NWT. In the NWT, representatives represent the community which while evolving, has a stable and relatively consistent interest. In terms of definition of interest then, the NWT provides a non-elitist variation of the Burkean definition of interests.

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[108] Hanna Pitkin, The Concept of Representation, (Berkeley; University of California Press, 1967), p. 174.

### The NWT's Communitarian Model of Representation

While related to each model, representative government in the NWT differs from the conventional models in many, interesting ways. While clearly no legislature conforms precisely to the dimensions of theoretical models, the perception of representation in the NWT serves to significantly expand the theoretical understanding of representation beyond its dimensions as prescribed by the Anglo-American tradition. The placement of the local community unit as the focus of representation and the view that the representative is not superior, but rather a part of the community are elements of a separate model of representation.

The model of representation in the NWT is perhaps most precisely described as 'communitarian'[109] as the community is the focus of representation. In the NWT, there is a clearly defined relationship between the represented and the representatives. As found in Chapter Three, within this relationship it is the represented as a whole (the community) that is both the source and the guardian of power. This communitarian model of representation sees the representative as part of and defined by the community s/he represents. Representative government occurs when the representatives of various communities partake in the activities and decisions of the centralized, coordinative body which administers policies and programs affecting the individual communities.

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[109] The connection with the recent movement in political thought, communitarianism, will be made clear in the second section of this chapter.

### Institutionalizing a Communitarian Model

As was revealed in Chapter Three, the government elected in October of 1991 in the NWT has moved quickly and aggressively to institutionalize many aspects of the communitarian model of representation. Most importantly, measures have been adopted to allow Members to have more time to consult their community before final decisions are rendered on legislation. Also, this government has pushed the system towards greater openness and expressed a genuine commitment to ongoing public consultation.

While political scientist Graham White has documented such movements in the past as "adaptations of the Westminster model in the NWT", the current shifts are clearly evidence of much broader change. Indeed, it would seem that the current Government is pursuing reform which explicitly states that the Westminster model is inappropriate for the NWT. Most Native Members see their role as pushing and re-shaping the system to more closely resemble the ideas and traditions of their communities. The failures of the past are credited to the fact that the people did not play a role in shaping the system. Ottawa imposed its idea of political organization upon the people of the North. Now, at long last, Members see the possibility of changing the system to make it relevant for all northerners. While the incorporation of Native ideology to the Legislative Assembly in

Yellowknife would therefore seem secure, the longevity of this institution is in question. The Inuit dream of creating Nunavut, through the division of the Northwest Territories, is more probable now than ever. Even with two separate jurisdictions in the NWT, there are indications that the institutionalization of northern government will to varying degrees reflect Native culture and a communitarian approach to representation.

Following the successful plebiscite on division in 1982, two groups were assigned the task of developing a constitutional strategy for the Western Arctic and the Eastern Arctic. In the East, given the overwhelming majority of Native peoples, institutionalization which corresponds with Native ideology and culture is assured. In the West, however, where non-Natives will outnumber Natives, the neglect of Native approaches to governing is of much greater concern. Still, institutionalization of a communitarian approach to governing is a very real possibility in the Western Arctic. Many creative proposals for the designation of a system of governing for the Western Arctic have been considered; all of which recognize the distinct nature and role of Native peoples.

The Western Constitutional Forum carefully considered institutional representation. Various means of guaranteeing aboriginal representation were explored in a published report. Most supported are arrangements which differ substantially from the conventions of the Anglo-American world. These include a guarantee of aboriginal seats, exclusive decision-making authority for Native Members on Native issues, guaranteed Native representation on the executive, guaranteed Native representation in the public service and service and other suggestions[110] which are based on a belief of the importance of collective representation. As opposed to the Anglo-American norm of representation by population, proposals for representative arrangements in the Western Arctic suggest that collectivities and not individuals are the objects of representation.

More recently, the Commission for Constitutional Development, established by the Committee of Political Leaders of the western NWT in June of 1991, have completed the first phase of their task to design a new constitution for the Western Territory. A communitarian style of government is confirmed throughout the various recommendations put forward by the Commission. As Commissioner Rick Hardy affirmed, the new Constitution will establish that "authority to govern flows from the people to the government institutions which is opposite to the status quo in southern Canada where authority flows from the Crown."[111] This general statement of principle is supported by specific recommendations which establish the communities as the basis of authority. For example, the Commission recommends;

> that authorities not identified in the Constitution
> as being the exclusive responsibility of the central
> order of government, be assumed to be vested in other
> orders of government.[112]

The delegation of powers, according to the Commission, is therefore not within the domain of the central government as it is in other jurisdictions, but rather rests with the district or community level of government.

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[110] Western Constitutional Forum, Guaranteed Representation, (Yellowknife; Government of the Northwest Territories, 1985).

[111] Rick Hardy as cited by John Holman, "Draft constitution supports Dene, Metis self-government", The Press Independent, Volume 22, Issue 17, May 1, 1992, p. 1.

[112] Commission for Constitutional Development, "Working Toward a Common Future", (Yellowknife; GNWT, April 1992), p. 26.

Ultimately, the Commission sets the necessary environment for the establishment of communitarian government by also recommending the acceptance of "the principle of asymmetry, or unequal distribution of powers"[113] in the new constitution. In order to successfully implement communitarian government and a system of decentralized authority, the cultural, economic, and social differences and imbalances between communities must be recognized and dealt with appropriately. The dominant liberal-individualistic ideology of most southern jurisdictions does not allow for any arrangement which threatens simple equality. In the NWT, even in the West, there seems to be a commitment to an ideology which allows for differences as it is based on communities and not individuals.

Even outside the borders of the NWT, Native Canadians are slowly becoming recognized as distinct entities within the Canadian federation. The recognition of the inherent right to self-determination for all Native Canadians by the First Ministers in April of 1992 is the necessarily prior step to the institutionalization of governing systems reflecting Native culture. One proposal for incorporating Native Canadians appropriately into the Canadian federation is the establishment of a Native province. David Elkins provides justification and an interesting discussion of the possibility of such an arrangement in Canada. He supports the notion of a non-territorial province for Native

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[113] Commission for Constitutional Development, April 1992, p. 30.

Canadians and suggests that it should be seen as a flexible instrument designed primarily to make this traditionally threatened community feel it has its own unthreatening space within federalism[114]. Ultimately, he sees the Native province as "an enduring reminder to all Canadians of [the] collective aspects of ourselves".[115] While it is clearly premature to predict the development of particular institutions designed to represent and govern Native peoples, it is probable that if such a proposal was adopted the institutionalization of the native provincial government would reflect the communitarian model of representation. All indications from Native leaders and supporters advocate a decentralized administration wherein the communities would play a central role in decision-making affecting their community.

The institutionalization of a communitarian approach to representation evident in the NWT clearly flows from the region's unique characteristics. The small size of constituencies, the remoteness of communities and most importantly, the dominant Native culture all contribute to the facts of both the evolution and the appropriateness of the communitarian model for the NWT. Still, while the model itself may not be directly applicable to other jurisdictions, it does provide a viable, alternative theoretical approach to representation. A focus on community elsewhere may result in different institutionalizations from that of the NWT, according to the different circumstances. This study of the NWT does not provide a blueprint for the establishment of alternative representative institutions in other jurisdictions. However, it does reveal a different approach or way of thinking about representation and representative institutions which may be valuable in the determination of the quality of representation elsewhere.

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[114] David J. Elkins, "Where Should the Majority Rule? Reflections on Non-Territorial Provinces and Other Constitutional Proposals", Points of View, No. 1, (Centre for Constitutional Studies, University of Alberta, 1992), introduction..

[115] Elkins, intro..

## Beyond Representation

One of the most interesting extensions of the finding of this alternative approach to representation in the NWT is that ultimately it is a move away from representative institutions and representation as much as is possible. Indeed, in the NWT, the Community Transfer Agreements are designed to do precisely that. The role of representatives meeting in Yellowknife to make decisions will be increasingly diminished as communities take greater control of services and programs in their area. There is an explicit commitment on behalf of the present administration to allow communities to take control of their own lives.

Any study of representation in the NWT must therefore acknowledge that representation will become an aspect of governing to the extent that it is necessary. Representative institutions will continue to be important for rendering decisions on territorial-wide issues such as constitutional and political development. The Government in Yellowknife, however, seems destined to become more of an administrative body than a decision-making institution. As much as is possible, communities will make decisions. Where the decision must be made by the Territorial Government, representatives, especially those of Native heritage, will continue to speak for the community through their obligation to know and understand the desires of the community.

Representativeness, to Native communities, is a function of the degree to which the relationship between the representative and the represented is short and direct. The closer the decision-making process is to the people, the more appropriate is the instrument of governing. As a result, part of understanding the approach to representation in the NWT is to recognize that it is viewed clearly not as an ideal form of governing, rather as a necessary process to be controlled as much as possible by the community.

An exploration of representation in the NWT, therefore, involves far more than this one aspect of governing. Indeed, an understanding of this particular approach to representation gives some indication of the more broadly defined approach to social organization, to politics and to governing in the area.

## Native Conceptions of Politics

Perhaps the most natural question following the presentation of this study and its finding of a different model of representation is the question why. Why has this form of representation emerged in Canada's Arctic? On the surface, it may appear strange that within the Canadian federation such a different approach to representation could emerge. Yet, Chapter Two and parts of Chapter Three have revealed that while part of Canada the NWT *is* a very different jurisdiction. Clearly, the most important distinction is the fact of the Native political majority in the region. While most often neglected by the Ottawa, and even at times the Yellowknife bureaucracy, in the last decade the Native presence has gained strength and is increasingly the most visible force of change in the area.

One important exception to the lack of recognition of the Native fact in the region was a federally commissioned inquiry: the MacKenzie Valley Pipeline inquiry. The insight provided in the report of this inquiry helps answer the question of the emergence of this different approach to representation in the NWT. Released in 1977, the report of the inquiry, Northern Frontier, Northern Homeland, recognized this fact and remains to this day one of the most sensitive and accurate accounts of northern peoples, their needs and aspirations.

This extensive inquiry recognized above all else the importance of Native peoples and the settlement of their land claims in the NWT. The ideas and recommendations put forward in the report of the inquiry, some fifteen years ago, remain relevant and important considerations today. The recognition of the differences of Native people from those of European descent and hence their different approach to institutions and government is explicit in the report of Mr. Justice Berger. Berger's understanding of the region coincides with and supports the findings of this study. He writes:

> Most Canadians live in a world that is largely- and increasingly- urban, industrial and bureaucratic. Our educational system, our governmental bureaucracy, our economic modes are all defined by these tendencies. But Native people do not necessarily share this vision of the world. They have a history of their own, a culture of their own, and languages of their own; they therefore seek to achieve goals of their own- goals that may not coincide with ours.[116]

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[116] Mr. Justice Berger, Northern Frontier, Northern Homeland: the Report of the Mackenzie Valley Pipeline Inquiry, ( Ottawa; Supply and Services, 1977), p. 217.

Berger confirms the different culture and hence different approach to governing of Native peoples. As a result, he suggests that, "No federal ukase will settle the matter once and for all; no tidy bureaucratic chart for reorganization of northern government will be of any use, unless it takes into account their determination to remain Dene, Inuit, and Métis.[117] Most importantly, Berger states that, at the heart of all the recommendations put forward in the report, there is an overwhelming need to settle land claims and to recognize "the special and collective nature of the Native interest in the North"[118]. Berger accurately sets the political context of the NWT by recognizing the most important element of Native society: the view that they exist as a collective.

The designation of a particular system and its institutionalization would seem to flow naturally from the dominant ideology of the region in question. In most Anglo-American systems, where liberal-individualism has been the dominant philosophical orientation, it is the individual who is accorded rights and is protected by the governing body. In a place where the dominant ideology differs substantially from liberal-individualism, it follows that the institutionalization of government will also differ. The Native self-definition of a collective made up of individuals whose interests are inseparable from the community is the basis of the alternative approach to representation in the NWT. The definition of the representative as part of and controlled by the community is rooted in their communal understanding of themselves.

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[117] Berger, p. 218.

[118] Berger, introduction, p. xxii.

Clearly, while this study focused on representation, there are implications beyond this one aspect of the governing process. At the heart of the findings, particularly evident in interviews with Native Members of Legislative Assembly, is a view of politics and the polity which is a stark contrast to that found in most of the Anglo-American world. Politics is not a competition for power in Native communities, rather, it is means by which what is in the best interest for the community is derived and pursued. Consensus, a central element of decision-making in most Native communities, emphasizes the notion of the importance of the contribution and participation of all members of the community.

As suggested in previous chapters, the political culture and experience of Native peoples differs substantially from that of the settlers of European descent who are almost exclusively responsible for the designation of the principal political institutions of North America. Constitutions, laws and governing institutions were founded upon a belief in the equality and liberty of individuals, democracy based on a majoritarian principle of acceptance, and a free-market capitalist system. A brief comparison with the traditional principles of Native groups in the NWT provides a stark contrast to these institutionalized ideals.

There are many legends and documented stories of early explorations to the Arctic that ended in disaster and tragic deaths. Those who managed to complete successfully an Arctic mission almost always relied on the assistance of Native people. The Inuit and the Dene alone seemed able to sustain life on the barren tundra where almost each day presented a new challenge to merely survive. Many anthropologists and scholars have suggested that, "the principal reason for their ability to survive was the strict equalitarian social order in which every effort was made to suppress individualism".[119] This was a type of social organization in which, "the constant suppression of egoism ensured that every thought and deed was directed towards the good of the community"[120]. As a result, the concept of ownership was entirely absent from the traditional society of most Native groups in the region. Individuals had neither possessions nor property as everything was held in common by the community. While hunters and spiritual leaders were the natural leaders of the community there were "no village chiefs as such and even shared power was delegated only for short periods on a rotating basis"[121].

The Native people of today therefore have a tradition and a political culture in which every individual is defined by his/her community. Virtually every ideal which has fostered the development of North American institutions opposes these basic elements of Native culture. In the only jurisdiction where they form a political majority, it is only natural that this different understanding of politics would come to influence the development of distinct governing institutions.

### Traditionalism and Post-Modernism Join Hands

While this study has repeatedly drawn the Native approach to representation and politics in general as a contrast to the Anglo-American tradition, it is important to point out that it is not entirely foreign. Indeed, a recent movement within Anglo-American political thought closely resembles the components and expressions of Native political culture. The fact that the label given to the model of representation in the NWT is the same as that given to political theorists such as Charles Taylor and Michael Sandel is not a mere coincidence. Instead, it is intended to suggest the overwhelming convergence of the approach taken in the NWT and that advocated by the scholars of communitarianism.

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[119] Sam Hall, The Fourth World: the heritage of the Arctic and its destruction, (New York; Random House, 1987), p. 42.

[120] Hall, p. 43.

[121] Hall, p. 43.

Communitarianism is essentially a reaction against what Taylor has called the "malaise of modernity" in which the individual, having being championed as a rights bearer, has become isolated. Modern society has contributed to the malaise as

> the very success of the growth of consumption tends to discredit the importance attached to material gains; the increasing stress on the goal of self-fulfilment tends to fragment the family, which was previously its privileged locus; and the increased concentration and mobility of our society alienates us from government.[122]

Essentially, Taylor suggests that our sense of efficacy as individuals has been destroyed because we have become dislocated from the whole variety of community identifications. This situation results in lost confidence, alienation, insecurity and a feeling of being "unsupported by the larger society in our identity as modern subjects"[123]. Taylor addresses this deplorable condition of modern society by advocating increased decentralization of governing institutions. He believes that the vital sense of political community, necessary in the nurturing of human capacities, is lost where control is central, and therefore external to society.

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[122] Charles Taylor, "Alternative Futures: Legitimacy, Identity and Alienation in Late Twentieth Century Canada", Eds. A. Cairns, C. Williams, Constitutionalism, Citizenship and Society in Canada, Vol. 33 Royal Commission on the Economic Union and Development prospects for Canada, (Toronto; University of Toronto Press, 1985), p. 203.

[123] Taylor, p. 203.

Sandel also writes in opposition to the trends of political institutions and political thought in Anglo-America. He criticizes the rights-based argument, which sees liberalism as guaranteeing each person certain rights, for giving the self priority over its ends. As a communitarian, he suggests that "we cannot conceive of ourselves as distinct from our ends"[124]. Rights are accordingly not derived simply on the basis of being an individual; rather, communitarians see them as a result of citizenship or belonging. Communitarians suggest:

> Insofar as our common public life has withered, our sense of common involvement diminished, we lie vulnerable to the mass politics of totalitarian solutions. ... our most pressing moral and political project is to revitalize those civic republican possibilities.[125]

Sandel sees the danger of a totalitarian regime far more likely in a society of dislocated individuals than in one which believes in a sense of collectivity and common good.

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[124] Michael Sandel, "Morality and the Liberal Ideal", Sterba, Morality in Practice, pp. 57-61, p. 57.

[125] Sandel, p. 61.

## Implications of the Assertion of Community

Communitarianism, whether based on traditional Native values and culture or as a part of the Anglo-American post-modern movement in political thought, suggests an approach to social organization which situates the individual within a specific context: the community. This shift in focus- away from the individual to the community- potentially alters some of the basic foundations of Anglo-American institutions. It suggests the importance of collective rights over individual rights, representation of communities rather than mere populations and, in some cases, a reduction in the necessity of the process of representation itself as power becomes diffused in society.

Taylor advocates a practical application of communitarianism in the current Canadian constitutional struggle. He sees de-centralization as the answer to both the French-Canadian and the Native-Canadian quest to be recognized and included in the Canadian federation. He points out the danger of the increasing stress on individual rights as dominant over collective decisions to undermine the legitimacy of the democratic order. As a result, Taylor maintains the necessity of an assertion of collective rights and community decision-making to re-build a sense of identity, and ultimately efficacy, for all Canadians.

Central to the constitutional dilemma is a feeling throughout Canada, whether based on region, ethnicity, economic situation, or gender, that the system does not adequately represent. If the Canadian federation is to include the various components of Canadian society successfully, there must be a willingness to accept different approaches.

For Native Canadians, there must be a clear recognition of the Native political culture, including an awareness of the collective as the focus of representative institutions. Only with such a recognition will Natives be governed in a manner which is relevant and appropriate to them. The challenge for Canada is to assert that which Mr. Justice Berger viewed as the great strength of this nation: diversity.

> We are a non-homogeneous country. We rejected in 1867 Lord Durham's ideal of a monolithic state and a monolithic British culture. We have tried to remain true to the ideal of tolerance and diversity, resisting those who would have us think the same thoughts, speak the same words, read the same books, and make the same choices in life.[126]

Indeed, recognizing Native Canadians requires recognizing a different approach to representation which is itself embedded in a distinct definition of politics and political organization.

## Conclusion

An understanding of the institutionalization of representative government in a particular jurisdiction requires an awareness of the relevant political culture. The approach to representation and all forms of social and political organization is based on the group's understanding of itself. In the NWT, the different focus on the collective emerges from the political culture, which is in turn expressed as an understanding that representatives are closely controlled by the community. The institutions of government reflect the community focus in that they are designed to allow, as much as possible, for decisions to be made by those affected. This communitarian approach to representation and also to politics is conceptually different from the dominant liberal-individualist ideology upon which the political institutions of North America have been constructed. A consideration, therefore, of the NWT provides for an enhanced understanding of representation, as it embraces an alternative political culture and ideology.

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[126] Berger, Northern..., p. 218-9.

The importance of representation is underscored by the fact that the institutionalization of government and many policies of that government in fact flow from the initial understanding of representation as an aspect of political organization. An investigation of the NWT, reveals a different understanding of representation which has in turn led to a different institutionalization of government for that jurisdiction. In order to understand the different components of the territorial government, it is essential to first understand this different conception of representation in the NWT. The non-partisan structure and the move towards community decision-making can only be appropriately assessed with reference to the political culture and to the emergent understanding of representation existing in the NWT. Those who reject these elements of the northern institutionalization of government most often are operating with the inappropriate assumptions of the Anglo-American tradition regarding representation.

An expanded definition of representation, or at least the addition of the communitarian model as exemplified in the NWT, legitimizes alternative governing practices. Since the time Europeans arrived in North America, their assumptions and accumulated knowledge have formed the basis of all institutions, laws, programs and policies. Most significantly we have seen institutions built upon primarily the Burkean or Madisonian approach to representation. As we are slowly awakened to the fact that aboriginal peoples had systems of political control and organization in place centuries before Europeans arrived, perhaps we can also begin to consider those traditions and values when we assess political systems.

As suggested by Pitkin, representation must not be viewed as a static property or characteristic of any government at any time. Rather, representation should present to all institutions a "continuing but not hopeless challenge: to construct institutions and train individuals in such a way that they engage in the pursuit of the public interest, the genuine representation of the public; and at the same time, to remain critical of those institutions and that training so that they are always open to further interpretation and reform"[127]. An essential tool with which to pursue the challenge as suggested by Pitkin is an awareness and understanding of the political culture of the represented. Appropriate institutions and genuine representation will only be achieved by a regime that is sensitive to and reflective of the principle values and traditions of the constituency.

In terms of its theoretical understanding as a concept in political science, representation must be understood as an aspect of governing which emerges from the resident political culture. Previously, representation has been narrowly defined in terms of the specifically Anglo-American conventions, most of which emphasize liberal-individualism. A consideration of the NWT expands this definition as it presents a communitarian basis of representation.

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[127] Pitkin, p. 240.

Expanding a definition of a particular concept can potentially led to its dissolution. Increasing the dimensions of representation, however, enhances its application and understanding as an aspect of the governing process. The inclusion of the communitarian model based on native political traditions in the NWT serves to enrich the conventional treatment of representation and may in fact expand its application to other jurisdictions and newly emerging political realities.

In a world struggling to offer representation in a constantly changing environment, the expansion of the understanding of representation and the possible institutionalization of government that accompanies it, may indeed be worth consideration. Representative regimes around the world and within the Canadian borders are failing to deliver a satisfactory degree of representation to various groups within the population. A view of representation that focuses on these communities rather than the individuals that compose them, may provide some theoretical direction in the pursuit of genuine representation.

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**Northern Newspapers**

News North
Nunatsiaq News
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# APPENDIX

The following is the organization, form and wording of questions asked of Members of the Legislative Assembly in February of 1992. As the aim of the interview sessions was for the Members to speak as much as possible about their own perspectives and experiences regarding representation in the NWT, the sessions were often casual allowing the Members to direct the flow of discussion. As a result, not all questions were asked of all Members. Still, to a large degree, each Member answered most of the questions contained in the following set.

## INTRODUCTION

Brief explanation of research goals

Assurance of confidentiality of particular responses - permission to record

## PROJECT OUTLINE

- primary concern with the concepts of political representation operating or evolving in the NWT
- two categories- the activity of representing and the role of the representative

To begin two very obvious, abstract questions;

-[activity] what do people mean when they talk about representing the NWT?

-[role] why did you decide to run to be an MLA? as a representative, what is your primary function?

## ACTIVITY OF REPRESENTING

**The MLA should be controlled/directed by the community**

How did you determine the key issues on which to focus in your election campaign? Who worked with you (generally residents of the community or members of political or other group affiliation), and in what capacities did they serve on your campaign?

What is the primary source of information required in your position as MLA?

When a policy is to be adopted as legislation how often do you have the opportunity to discuss it with members of your community? Should more time be given to ensure that all members get back to their people before making a decision? If you did not have such an opportunity on what basis would you render a decision?

Are you ever persuaded to change your position on issues because of the arguments of your government colleagues or staff? if so would you adopt a new position immediately or prefer to talk to your constituents first?

The Standing Committee on legislation reported in December that there was a need for GENUINE PUBLIC CONSULTATION, a position adopted by the government. Was this a response to a problem or inadequacy of consultation in previous administrations or merely a confirmation of existing values and practices?

How is GENUINE PUBLIC CONSULTATION going to be achieved? (organization, institution) Will this compromise executive and bureaucratic efficiency?

How would you rate the values of efficiency/delivery of services versus effectiveness of government to respond and listen to all views/interests of communities? Do you perceive a tension between these values in the operation of government in the GNWT? Are there situations/issues where public consultation is not necessary- what are they?

Have you ever (or is it conceivable to you in the future that you would) disagree with your constituents on an important policy matter? What were/would be the circumstances? What would you do? ignore, defer, persuade? how would you vote?

How would you make a decision on a very complex issue which your constituents might not fully understand-generally would there be the time/necessity to educate/inform?

**The MLA should be involved in and accessible to the community**

For how long have you been a resident of your constituency? Do you have family/relatives who reside there? Do you plan to live there following your tenure as MLA?

Besides being the MLA, do you participate in any other ways in your community?

How much of your time approximately is spent in your community? should this be increased?lessened?

Is it necessary to establish formal communication links with your constituents between elections? Do you have any formal consultation processes with your constituents-town hall meetings etc.?

**The MLA's first priority is to his/her immediate community-territorial or national interests are secondary**

What is your position on party politics? What would be the impact of parties on the politics of the NWT in general?

Would your ability to be a representative be compromised if you were a member of a political party to which you owed some obedience?

The theory behind other systems indicates that citizen demands are translated into political actions through formal institutions such as political parties. How is this process fulfilled in the NWT? Is it successful, in your eyes?

As an MLA what are the most important things you hope to accomplish-any specific policies/programs? (are they national, territorial, or community - a combination?)

How often are national political developments discussed in the Legislative Assembly? Who makes decisions regarding the stand of the territories on national issues? How do you arrive at your position? Is it possible to have community involvement in such abstract issues?

To what extent do you become involved and/or formulate an opinion in matters which don't really affect your riding?

Are there certain issues which only certain MLAs should be able to vote/render a decision about - for instance should only Native MLAs or those representing a majority of Native peoples vote on issues regarding Native peoples?

To what interest are you most obliged as a MLA- the national, the territorial, the communal? Do you ever face a conflict between these interests - does this present a difficulty for the execution of your job?

Ministers- How does your role as a Minister affect the way in which you relate to your constituents?

## ROLE OF THE REPRESENTATIVE

**The MLA's role is to understand and bring forward interests of the people not make decisions on their behalf**

As an MLA, what takes up most of your time?

How much of your time is spent responding to letters/phonecalls?

What would you say is the most important criteria on which you make decisions? How do you make decisions - consultation with staff-researchers-intuition-colleagues-constituents?

Do you generally have a good idea about the interests of your community or is it through contact that you know the best option for your constituents?

One of your biggest challenges must arise in the situation where your constituency is divided on an issue - what do you do?

What description best fits your role?

- leader
- spokesperson
- mediator
- listener
- administrator

Do you think that members of your community, on average, have sufficient interest in political affairs to want to be involved in decisions of the GNWT? Should more people participate more often?-is this practical, realistic? Do you think there is a difference in this respect between people living in the NWT and those living in southern jurisdictions? Does the high voter turnout of the NWT indicate that more people care/are concerned about politics in the NWT?

How important is the free exercise of your individual judgement to you in your position as MLA ?

**It is more important that the MLA be reflective of the community than possess superior qualities?**

What was the key to your election success?

Do you have particular personal characteristics that are more suited to the role of MLA than your opponents? if so what are they?

What helps you most in your job - particular experiences, education etc.?

If you were to give advice to a young person who wanted to one day follow in your footsteps as an MLA, what would you tell them would be the best training/preparation and/or skills necessary to be an MLA?

In your opinion, what, if any, is the most evident/important difference between your job and that of members of southern governments? why?

referendums-a good idea?why?

relationship to Native organizations/ how does your role differ from Native leaders? how much contact do you have with groups/leaders?

Is there anything else I should know about your views concerning representation in the NWT?